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February 8, 2005

Honorable Board of Supervisors
County of Los Angeles
Kenneth Hahn Hall of Administration, Room 383
500 West Temple Street
Los Angeles, CA 90012

**CONDITIONAL USE PERMIT CASE NO. 03-139-(2)
PLAN AMENDMENT CASE NO. 03-139-(2)
ZONE CHANGE CASE NO. 03-139-(2)
VARIANCE CASE NO. 03-139-(2)
AMENDMENT TO DEVELOPMENT AGREEMENT 87-060-(2)
CONDITIONAL USE PERMIT 04-114-(2)
PETITIONER: TRAMMELL CROW RESIDENTIAL
949 SOUTH COAST DRIVE
COSTA MESA, CA 92626
DEL AIRE ZONED DISTRICT
SECOND SUPERVISORIAL DISTRICT (3-VOTE)**

Dear Supervisors:

IT IS RECOMMENDED THAT THE BOARD AFTER THE PUBLIC HEARING:

1. Adopt the attached resolution amending the Countywide General Plan (Plan Amendment No. 03-139-(2)) as recommended by the Regional Planning Commission.
2. Adopt the attached ordinance, approved as to form by County Counsel, to change zones within the Del Aire Zoned District as recommended by the Regional Planning Commission (Zone Change No. 03-139-(2)).
3. Adopt the attached ordinance amending Development Agreement 87-060-(2), as recommended by the Regional Planning Commission.
4. Instruct County Counsel to prepare the necessary findings to affirm the Regional Planning Commission's approval of Conditional Use Permits No. 03-139-(2) and 04-114-(2), and Variance 03-139-(2)

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

- Update the Countywide General Plan Land Use Policy Map to reflect current conditions for the Del Aire area.
- Establish development standards that ensure future development on the subject property will be compatible with the goals and policies of the Countywide General Plan.
- The proposed project would help meet the growing demand for housing in Los Angeles County.

Implementation of Strategic Plan Goals

This project approval promotes the County's Strategic Plan goal of Service Excellence. The project components (plan amendment, zone change, amendment to development agreement, conditional use permits, and variance) sought by the applicant were carefully researched and analyzed to ensure that quality information regarding the subject property is available.

The project also promotes the County's vision for improving the quality of life in Los Angeles County. The approval of this development will provide 430 apartment units in close proximity to transit and work centers, providing much needed housing in Los Angeles County.

FISCAL IMPACT/FINANCING

Implementation of the proposed plan amendment, zone change, amendment to development agreement, conditional use permits and variance should not result in any new significant costs to the County or to the Department of Regional Planning; no request for financing is being made.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The Regional Planning Commission conducted concurrent public hearings on Plan Amendment, Zone Change, Conditional Use Permit and Variance 03-139-(2), amendment to development agreement 87-060-(2), and Conditional Use Permit 04-114-(2) on September 1, 2004 September 20, 2004, October 6, 2004 and November 3, 2004 to authorize the development of a multi-family residential project within the existing Del Aire Business Park ("Business Park"). The applicant is proposing to construct 430 apartments together with appurtenant structures and facilities, including pools, spas, a fitness center, and subterranean parking for 805 cars. The concurrent applications for conditional use permit 04-114-(2) and an amendment to Development Agreement 87-060-(2) modify the existing entitlements for the Business Park and remove the 5-acre subject property from the Business Park. The Regional Planning Commission voted to recommend approval of the requested plan amendment, zone change and amendment to development agreement, and to approve the conditional use permits and variance at their November 3, 2004 meeting.

Pursuant to subsection B.2 of Section 22.60.230 of the County Code, the conditional use permit approved by the Regional Planning Commission is deemed to be called for review by your Board and shall be considered concurrently with the recommended plan amendment and zone change. A public hearing is required pursuant to Sections 22.16.200 and 22.60.240 of the County Code and Sections 65335 and 65856 of the Government Code. Notice of the hearing must be given pursuant to the procedures set forth in Section 22.60.174 of the County Code. These procedures exceed the minimum standards of Government Code Sections 6061, 65090, 65355, and 65856 relating to notice of public hearing.

ENVIRONMENTAL DOCUMENTATION

An Initial Study was prepared for the Proposed Residential Project in compliance with the California Environmental Quality Act (Public Resources Code section 21000, et seq.) ("CEQA"), the State CEQA Guidelines, and the Environmental Document Reporting

Procedures and Guidelines of the County of Los Angeles. The Initial Study concluded that there was substantial evidence that the Proposed Residential Project may have a significant impact on the environment in the following areas: land use, noise, air quality, traffic/access, education, and recreation. The Initial Study determined that a Supplemental Environmental Impact Report ("SEIR") would be required.

The SEIR prepared for the Proposed Residential Project concluded that no significant effects which cannot be avoided or mitigated have been identified except for impacts to air quality related to construction and impacts to traffic related to cumulative impacts. All other potentially significant environmental impacts including air quality impacts related to operations, project-specific traffic impacts, noise, education (schools and libraries), land use and recreation can be mitigated to less than significant levels through implementation of mitigation measures identified in the SEIR.

Approval of the Proposed Residential Project requires adoption of a Statement of Overriding Considerations, including a finding that the benefits of the Proposed Residential Project outweigh the potential unavoidable adverse impacts and that the unavoidable impacts are nonetheless acceptable based on specific overriding considerations.

IMPACT ON CURRENT SERVICES

Action on the proposed plan amendment, zone change, amendment to development agreement, conditional use permits and variance is not anticipated to have a negative impact on current services.

Respectfully Submitted,

DEPARTMENT OF REGIONAL PLANNING
James E. Hartl, AICP, Director of Planning

Russell J. Fricano, Ph.D., AICP
Zoning Permits I

Attachments: Commission Resolutions, Commission Findings and Conditions, Commission Staff report and Attachments, Factual

C: Chief Administrative Officer
County Counsel
Assessor
Director, Department of Public Works

RJF:MBM

**THE REGIONAL PLANNING COMMISSION
COUNTY OF LOS ANGELES
AMENDMENT TO DEVELOPMENT AGREEMENT 87-060-(2)**

WHEREAS, the Regional Planning Commission of the County of Los Angeles has conducted public hearings in the matter of an Amendment to Development Agreement 87-060 on September 1, September 20, October 6, and November 3, 2004; and,

WHEREAS, the Regional Planning Commission finds as follows:

1. Development Agreement 87-060-(2) provides for the phased development of a large-scale mixed use business park as authorized by conditional use permit 87-060-(2), granted by the Regional Planning Commission of the County of Los Angeles on the 25th day of November, 1987;
2. Development Agreement 87-060-(2) constitutes a contract by and between the County of Los Angeles, GRE Pacific LP, and Diagnostic Products Corporation;
3. The applicant is requesting a Development Agreement amendment to sever a proposed five-acre residential project site from the Pacific Concourse Business Park, which has not been built out, and to modify the legal description for the Business Park;
4. A previous amendment to Development Agreement 87-060-(2) was executed on the 8th day of July, 1993. This first amendment extended the term of the Agreement to twelve and one-half (12 ½) years after the recordation of the First Amendment to Development Agreement 87-060-(2) by the County Recorder of Los Angeles County;
5. The expiration date for the Development Agreement is December 1, 2005;
6. The Business Park is located at La Cienega Boulevard and Pacific Concourse Drive in the Del Aire Zoned District; the property to be severed from the Business Park is located along La Cienega Boulevard, north of Pacific Concourse Drive;
7. Pursuant to paragraph 4.13.03 of the amended Development Agreement 87-060 the Business Park is subdivided into seven parcels. The property removed from the Business park represents two parcels of 5.4 acres. The Business Park will consist of approximately 25 acres after the proposed amendment. The Floor Area Ratio (FAR) for each parcel shall not exceed 4.5:1 and the FAR for the entire site shall not exceed 1.2:1. The Business Park has developed a total of 701,000 square feet of floor area and remains in compliance with the stated FAR;
8. The Business Park is zoned MPD (Manufacturing Planned Development);
9. The existing MPD zoning of the subject property was established in connection with the initial Business Park approvals. The Business Park has been developed with light industrial, research and development, commercial and courthouse uses;
10. Amendment to Development Agreement 87-060-(2) was heard concurrently with Zone Change Case No. 03-139-(2), Plan Amendment Case No. 03-139-(2), Conditional Use

Permit Case No. 03-139-(2), Variance Case 03-139-(2), and Conditional Use Permit 04-114-(2) at the September 1, September 20, October 6, and November 3, 2004 public hearings;

11. Conditional Use Permit 04-114-(2) is a related request to replace Conditional Use Permit 87-060-(2), which governs the Business Park, to sever the 5-acre site proposed for apartment development from a portion of the previously approved Business Park development, which has not been built out;
12. Plan Amendment Case No. 03-139-(2) is a related request to authorize a change of land use classification in the Countywide General Plan from Low Density Residential to High Density Residential on the approximately 5-acre property to be severed from the Business Park property;
13. Conditional Use Permit Case No. 03-139-(2) is a related request to authorize the development of a multi-family residential project on the severed property. The applicant is proposing to construct 430 apartments, together with appurtenant structures and facilities, including pools, spas, a fitness center, and subterranean parking for 805 cars;
14. Variance Case No. 03-139-(2) is a related request to authorize lot coverage up to 55% on the five acre site to accommodate the apartment development;
15. The Applicant's site plan ("Exhibit A") depicts the Business Park developed with a County Courthouse, a parking structure; three office buildings are located at western end of the Business Park. Fronting La Cienega Boulevard is Diagnostic Product's office building. Surface parking spaces are shown surrounding all buildings. The main access point to the Business Park is shown via La Cienega Boulevard at Pacific Concourse Drive to the east. An additional driveway off La Cienega is located further south at the Courthouse;
16. The parcels to be severed from the Business Park are located at the north eastern corner of the Business Park, adjacent to the County Courthouse;
17. The specific amendments to the previously approved Development Agreement 87-060 include 1) a reduction in floor area for the Business Park from 1.5 million square feet to 801,000 square feet; 2) removal of a jogging path requirement on the Business Park property; and 3) removal of a 10% landscaping requirement;
18. Pursuant to section 4.05.08 of Development Agreement 87-060 an indoor gymnasium of not less than six hundred square feet, passive recreational facilities, and a jogging path not less than one quarter mile in length shall be provided at the Business Park. A gymnasium has been constructed and is available for Business Park employees. Passive recreational areas such as benches and tables available within the Business Park. The jogging path is partially established on the 5-acre site to be separated from the Business Park and will be deleted from the Development Agreement in order to construct the Residential Project;

19. Pursuant to Section 4.03 of Development Agreement 87-060, the Business Park should maintain at least 2% of the Site devoted to surface parking landscaping and at least 10% for the Site as a whole. With the removal of the 5-acre site from the Business Park the 10% landscaping requirement cannot be met. The Business Park will, however, maintain at least 2% of the surface parking areas landscaped and existing landscaped areas shall not be removed or relocated without prior approval of the Department of Regional Planning;
20. Since the Business Park uses were approved, the need for housing in the area and within the region has increased. The recent revision to the Housing Element of the General Plan notes that population growth has outpaced housing production in the past decade, resulting in a shortage of housing. Although much of the Business Park has been developed with light industrial, research and development, commercial and courthouse uses, the 5-acre property to be removed from the Business Park has remained undeveloped. A high density residential development would be consistent with the character of the adjacent Business Park uses and would provide much-needed housing;
21. The amendment to Development Agreement 87-060-(2) is consistent with the goals, policies and programs of the Los Angeles County General Plan;
22. The amendment to Development Agreement 87-060-(2) complies with zoning, subdivision and other applicable ordinances and regulations;
23. The amendment to Development Agreement 87-060-(2) is consistent with the public convenience, general welfare and good land use practice, making it in the public interest to enter into the amended Development Agreement with the applicant;
24. The amendment to Development Agreement 87-060-(2) will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area;
25. The amendment to Development Agreement 87-060-(2) will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare;
26. An Initial Study was prepared for the Proposed Residential Project in compliance with the California Environmental Quality Act (Public Resources Code section 21000, et seq.) ("CEQA"), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines of the County of Los Angeles. The Initial Study concluded that there was substantial evidence that the Proposed Residential Project may have a significant impact on the environment in the following areas: land use, noise, air quality, traffic/access, education, and recreation. The Initial Study determined that a Supplemental Environmental Impact Report ("SEIR") would be required;
27. The SEIR prepared for the Proposed Residential Project concluded that no significant effects which cannot be avoided or mitigated have been identified except for impacts to air quality related to construction and impacts to traffic related to cumulative

impacts. All other potentially significant environmental impacts including air quality impacts related to operations, project-specific traffic impacts, noise, education (schools and libraries), land use and recreation can be mitigated to less than significant levels through implementation of mitigation measures identified in the SEIR;

28. The Findings of Fact and Statement of Overriding Considerations that have been prepared for the Proposed Residential Project are incorporated herein by this reference as if set forth in full; and

29. The Commission approves the Final Supplemental Environmental Impact Report prepared for the Proposed Residential Project and presented to the Commission; certifies that it has reviewed and considered the environmental information contained in the document; certifies that the FSEIR has been completed in compliance with CEQA, the CEQA Guidelines, and County CEQA Guidelines and reflects the independent judgment of the Commission as to the environmental consequences of the Proposed Residential Project; determines that the conditions of approval and mitigation measures discussed in the FSEIR are the only mitigation measures for the Proposed Residential Project which are feasible; determines that the remaining unavoidable environmental effects of the Proposed Residential Project have been reduced to the extent possible and to an acceptable level and are outweighed by specific social, economic, and environmental benefits of the Proposed Residential Project; and adopts the Findings of Fact and Statement of Overriding Considerations prepared for the Proposed Residential Project.

THEREFORE, BE IT RESOLVED, THAT the Regional Planning Commission recommend to the Board of Supervisors of the County of Los Angeles as follows:

1. That the Board of Supervisors hold a public hearing to consider the recommended amendment to Development Agreement 87-060 with development restrictions as provided by the related Conditional Use Permit Case No. 04-114-(2);
2. That the Board of Supervisors certify completion of and approve the attached SEIR along with the Findings of Fact and Statement of Overriding Considerations dated January, 2005;
3. That the Board of Supervisors find that the public convenience, the general welfare and good zoning practice justify the recommended amendment to Development Agreement 87-060-(2); and
4. That the Board of Supervisors approve and adopt the second amendment to Development Agreement 87-060-(2) by ordinance and instruct the Chairman to execute said amendment to the Development Agreement following the execution thereof by all other parties to the agreement as provided by Section 22.16.390 of the County Code.

I hereby certify that the foregoing resolution was adopted by a majority of the voting members of the Regional Planning Commission in the County of Los Angeles on February 2, 2005.

Rosie Ruiz, Secretary
Regional Planning Commission
County of Los Angeles

**THE REGIONAL PLANNING COMMISSION
COUNTY OF LOS ANGELES
GENERAL PLAN AMENDMENT CASE NO. 03-139-(2)**

WHEREAS, the Regional Planning Commission of the County of Los Angeles has conducted public hearings in the matter of General Plan Amendment Case No. 03-139-(2) on September 1, September 20, October 6, and November 3, 2004; and,

WHEREAS, the Regional Planning Commission finds as follows:

1. The applicant has requested an Amendment to the Los Angeles County General Plan to change the land use designation from Low Density Residential to High Density Residential on the 5-acre subject property.
2. The subject property is located at La Cienega Boulevard and Pacific Concourse Drive, in the Del Aire Zoned District.
3. The plan amendment request was heard concurrently with Zone Change Case No. 03-139-(2), Conditional Use Permit Case No. 03-139-(2), Variance Case 03-139-(2), Conditional Use Permit 04-114-(2) and amendment to Development Agreement 87-060-(2) at the September 1, September 20, October 6, and November 3, 2004 public hearings.
4. Zone Change Case No. 03-139-(2) is a related request to authorize a change of zone from MPD (Manufacturing Planned Development) to RPD-88u (Residential Planned Development-88 units per net acre) on the entire 5-acre subject property.
5. Conditional Use Permit Case No. 03-139-(2) is a related request to authorize the development of a multi-family residential project on the subject property. The applicant is proposing to construct 430 apartments, together with appurtenant structures and facilities, including pools, spas, a fitness center, and subterranean parking for 805 cars.
6. Variance Case No. 03-139-(2) is a related request to authorize lot coverage up to 55% on the five acre site to accommodate the apartment development.
7. Conditional Use Permit 04-114-(2) is a related request to replace Conditional Use Permit 87-060-(2), which governs the Business Park, to sever the 5-acre site proposed for apartment development from a portion of the previously approved Business Park development.
8. Amendment to Development Agreement 87-060-(2) is a related request to sever the 5-acre site proposed for apartment development from the previously approved Business Park development which has not been built out.
9. The 03-139-(2) conditional use permit site plan, labeled Exhibit "A", depicts the

subject property with the proposed two-building 430-unit apartment complex. Buildings 1 and 2 are depicted as 4 stories with lofts at a maximum height of 60 feet. The plan also shows two swimming pools and one spa. Access to the site is from La Cienega Blvd. to the east to underground parking for building 2. Access to underground parking for building 1 is from Pacific Concourse Drive to the west.

10. The applicant is requesting an amendment to the Countywide General Plan to change the land use designation of the 5-acre parcel from Low Density Residential to High Density Residential. The High Density Residential areas are suitable for medium and high rise apartments and condominiums, three or more stories in height. The intent of this classification is to provide for high density residential development in appropriate locations, conveniently accessible to, or within multipurpose urban centers. Densities generally exceed 22 units per gross acre.
11. In reaching its decision the Regional Planning Commission has considered the whole record, including testimony for and against the project.
12. The proposed plan amendment is consistent with the goals and policies of the Countywide General Plan. The proposed residential project will increase the supply of housing, promote the efficient use of land through a more concentrated pattern of urban development, improve the jobs-housing balance in the area and concentrate well-designed high-density housing in and adjacent to job centers and local transit service.
13. An Initial Study was prepared for the Proposed Residential Project in compliance with the California Environmental Quality Act (Public Resources Code section 21000, et seq.) ("CEQA"), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines of the County of Los Angeles. The Initial Study concluded that there was substantial evidence that the Proposed Residential Project may have a significant impact on the environment in the following areas: land use, noise, air quality, traffic/access, education, and recreation. The Initial Study determined that a Supplemental Environmental Impact Report ("SEIR") would be required.
14. The SEIR prepared for the Proposed Residential Project concluded that no significant effects which cannot be avoided or mitigated have been identified except for impacts to air quality related to construction and impacts to traffic related to cumulative impacts. All other potentially significant environmental impacts including air quality impacts related to operations, project-specific traffic impacts, noise, education (schools and libraries), land use and recreation can be mitigated to less than significant levels through implementation of mitigation measures identified in the SEIR.
15. The Findings of Fact and Statement of Overriding Considerations that have been prepared for the Proposed Residential Project are incorporated herein by this reference as if set forth in full.

16. The Commission approves the Final Supplemental Environmental Impact Report prepared for the Proposed Residential Project and presented to the Commission; certifies that it has reviewed and considered the environmental information contained in the document; certifies that the FSEIR has been completed in compliance with CEQA, the CEQA Guidelines, and County CEQA Guidelines and reflects the independent judgment of the Commission as to the environmental consequences of the Proposed Residential Project; determines that the conditions of approval and mitigation measures discussed in the FSEIR are the only mitigation measures for the Proposed Residential Project which are feasible; determines that the remaining unavoidable environmental effects of the Proposed Residential Project have been reduced to the extent possible and to an acceptable level and are outweighed by specific social, economic, and environmental benefits of the Proposed Residential Project; and adopts the Findings of Fact and Statement of Overriding Considerations prepared for the Proposed Residential Project.

RESOLVED, That the Regional Planning Commission recommends to the Board of Supervisors of the County of Los Angeles as follows:

1. That the Board of Supervisors hold a public hearing to consider General Plan Amendment Case No. 03-139-(2), a change of classification within the Countywide General Plan from Low Density Residential to High Density Residential on approximately 5 acres;
2. That the Board of Supervisors certify completion of and approve the attached SEIR along with the Findings of Fact and Statement of Overriding Considerations dated January, 2005 for Countywide Plan Amendment Case No. 03-139-(2); and
3. That the Board of Supervisors adopt the above recommended Countywide Plan Amendment Case No. 03-139-(2).

I hereby certify that the foregoing resolution was adopted by a majority of the voting members of the Regional Planning Commission in the County of Los Angeles on February 2, 2005.

Rosie Ruiz, Secretary
County of Los Angeles
Regional Planning Commission

**THE REGIONAL PLANNING COMMISSION
COUNTY OF LOS ANGELES
ZONE CHANGE CASE NO. 03-139-(2)**

WHEREAS, the Regional Planning Commission of the County of Los Angeles has conducted public hearings in the matter of Zone Change Case No. 03-139-(2) on September 1, September 20, October 6, and November 3, 2004; and,

WHEREAS, the Regional Planning Commission finds as follows:

1. The applicant is requesting a change of zone from MPD (Manufacturing Planned Development) to RPD-88u (Residential Planned Development – 88 units per net acre) on five acres.
2. The subject property consists of approximately 5 acres located at La Cienega Boulevard north of Pacific Concourse Drive in the Del Aire Zoned District.
3. The Zone Change request was heard concurrently with Plan Amendment Case No. 03-139-(2), Conditional Use Permit Case No. 03-139-(2), Variance Case 03-139-(2), Conditional Use Permit 04-114-(2) and amendment to Development Agreement 87-060-(2) at the September 1, September 20, October 6, and November 3, 2004 public hearings.
4. Plan Amendment Case No. 03-139-(2) is a related request to authorize a change of land use classification in the Countywide General Plan from Low Density Residential to High Density Residential on the approximately 5-acre subject property.
5. Conditional Use Permit Case No. 03-139-(2) is a related request to authorize the development of a multi-family residential project on the subject property. The applicant is proposing to construct 430 apartments, together with appurtenant structures and facilities, including pools, spas, a fitness center, and subterranean parking for 805 cars.
6. Variance Case No. 03-139-(2) is a related request to authorize lot coverage up to 55% on the five acre site to accommodate the apartment development.
7. Conditional Use Permit 04-114-(2) is a related request to replace Conditional Use Permit 87-060-(2), which governs the Business Park, to sever the 5-acre site proposed for apartment development from a portion of the previously approved Business Park development which has not been built out.
8. Amendment to Development Agreement 87-060-(2) is a related request to separate the 5-acre site proposed for apartment development from the previously approved Business Park development.

9. The 03-139-(2) conditional use permit site plan, labeled Exhibit "A", depicts the subject property with the proposed two-building 430-unit apartment complex. Buildings 1 and 2 are depicted as 4 stories with lofts at a maximum height of 60 feet. The plan also shows two swimming pools and one spa. Access to the site is from La Cienega Blvd. to the east to underground parking for building 2. Access to underground parking for building 1 is from Pacific Concourse Drive to the west.
10. The subject property is currently zoned MPD. This zoning designation was adopted during the approvals for the Del Aire Business Park, of which the subject property has been a part. The subject property is currently vacant.
11. Modified conditions warrant a revision in the zoning of the subject property to foster implementation of planning goals listed in the Countywide General Plan. Since the Business Park uses were approved, the need for housing in the area and within the region has increased. The recent revision to the Housing Element of the General Plan notes that population growth has outpaced housing production in the past decade, resulting in a shortage of housing. Although much of the Business Park has been developed with light industrial, research and development, commercial and courthouse uses, the subject property has remained undeveloped. A high density residential development would be consistent with the character of the adjacent uses and would provide much-needed housing.
12. A need exists for the proposed Zone Change from MPD to RPD-88u to accommodate the increase demand for housing. The zone change is compatible with the goals and policies of the Countywide General Plan. The proposed residential project will increase the supply of housing and promote the efficient use of land through a more concentrated pattern of urban development.
13. The subject property is a proper location for the proposed RPD-88u zoning classification and placement of the proposed zone at such location will be in the interest of public health, safety and general welfare, and in conformity with good zoning practice in that the proposed development provides an improved jobs-housing balance and concentrates well-designed high-density housing in and adjacent to job centers and local transit service.
14. The proposed Zone Change from MPD to RPD-88u is consistent with General Plan Amendment 03-139-(2) and, as reflected therein, with the goals and objectives of the Countywide General Plan.
15. An Initial Study was prepared for the Proposed Residential Project in compliance with the California Environmental Quality Act (Public Resources Code section 21000, et seq.) ("CEQA"), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines of the County of Los Angeles.

The Initial Study concluded that there was substantial evidence that the Proposed Residential Project may have a significant impact on the environment in the following areas: land use, noise, air quality, traffic/access, education, and recreation. The Initial Study determined that a Supplemental Environmental Impact Report ("SEIR") would be required.

16. The SEIR prepared for the Proposed Residential Project concluded that no significant effects which cannot be avoided or mitigated have been identified except for impacts to air quality related to construction and impacts to traffic related to cumulative impacts. All other potentially significant environmental impacts including air quality impacts related to operations, project-specific traffic impacts, noise, education (schools and libraries), land use and recreation can be mitigated to less than significant levels through implementation of mitigation measures identified in the SEIR.
17. The Findings of Fact and Statement of Overriding Considerations that have been prepared for the Proposed Residential Project are incorporated herein by this reference as if set forth in full.
18. The Commission approves the Final Supplemental Environmental Impact Report prepared for the Proposed Residential Project and presented to the Commission; certifies that it has reviewed and considered the environmental information contained in the document; certifies that the FSEIR has been completed in compliance with CEQA, the CEQA Guidelines, and County CEQA Guidelines and reflects the independent judgment of the Commission as to the environmental consequences of the Proposed Residential Project; determines that the conditions of approval and mitigation measures discussed in the FSEIR are the only mitigation measures for the Proposed Residential Project which are feasible; determines that the remaining unavoidable environmental effects of the Proposed Residential Project have been reduced to the extent possible and to an acceptable level and are outweighed by specific social, economic, and environmental benefits of the Proposed Residential Project; and adopts the Findings of Fact and Statement of Overriding Considerations prepared for the Proposed Residential Project.

THEREFORE, BE IT RESOLVED, THAT the Regional Planning Commission recommend to the Board of Supervisors of the County of Los Angeles as follows:

5. That the Board of Supervisors hold a public hearing to consider the recommended change of zone from MPD to RPD-88u with development restrictions as provided by the related Conditional Use Permit Case No. 03-139-(2);
6. That the Board of Supervisors certify completion of and approve the attached SEIR along with the Findings of Fact and Statement of Overriding Considerations

dated January, 2005 for Countywide Plan Amendment Case No. 03-139-(2); and

7. That the Board of Supervisors find the recommended zoning is consistent with the Los Angeles County General Plan and with the adoption of Plan Amendment Case No. 03-139-(2) by the Board;
8. That the Board of Supervisors find that the public convenience, the general welfare and good zoning practice justify the recommended change of zone; and
9. That the Board of Supervisors adopt the above recommended change of zone.

I hereby certify that the foregoing resolution was adopted by a majority of the voting members of the Regional Planning Commission in the County of Los Angeles on February 2, 2005.

Rosie Ruiz, Secretary
Regional Planning Commission
County of Los Angeles

RESOLUTION
THE BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES
PLAN AMENDMENT NO. 03-139-(2)

WHEREAS, Article 6 of Chapter 3 of Division 1 of Title 7 of the Government Code of the State of California (commencing with Section 65350) provides for the adoption of amendments to county general plans; and

WHEREAS, the Board of Supervisors of the County of Los Angeles has conducted a public hearing in the matter of Plan Amendment Case No. 03-139-(2) on March 22, 2005; and,

WHEREAS, the Board of Supervisors, having considered the recommendations of the Regional Planning Commission, finds as follows:

1. The applicant has requested a Plan Amendment to the Countywide General Plan to change the land use designation from Low Density Residential to High Density Residential on the five-acre subject property.
2. The Plan Amendment request was heard concurrently with Zone Change Case No. 03-139-(2), Conditional Use Permit Case No. 03-139-(2), Variance 03-139-(2), amendment to Development Agreement 87060-(2) and Conditional Use Permit 04-114-(2) at public hearings before the Regional Planning Commission on September 1, 2004 September 20, 2004, October 6, 2004 and November 3, 2004.
3. Zone Change Case No. 03-139-(2) is a related request for a change of zone from MPD (Manufacturing Planned Development) to RPD (Residential Planned Development) on the entire 5-acre subject property.
4. Conditional Use Permit Case No. 03-139-(2) is a related request to authorize the development of a multi-family residential project on the subject property. The applicant is proposing to construct 430 apartments, together with appurtenant structures and facilities, including pools, spas, a fitness center, and subterranean parking for 805 cars.
5. Variance Case No. 03-139-(2) is a related request to authorize lot coverage up to 55 percent/ on the five acre site to accommodate the apartment development.
6. Conditional Use Permit 04-114-(2) is a related request to replace Conditional Use Permit 87-060-(2), which governs the Business Park, to remove the 5-acre site

proposed for apartment development from a portion of the previously approved Business Park development.

7. Amendment to Development Agreement 87-060-(2) is a related request to remove the 5-acre site proposed for apartment development from the previously approved Business Park development which has not been built out.
8. The subject property consists of two parcels totaling 5 acres; the property is located at La Cienega Boulevard and Pacific Concourse Drive, in the Del Aire Zoned District. The subject property is currently vacant with level terrain.
9. The site plan for Conditional Use Permit 03-139-(2) labeled Exhibit "A", depicts the irregular shaped subject property with the proposed two-building, 430-unit apartment complex. Buildings 1 and 2 are depicted as four stories with lofts at a maximum height of 60 feet. The plan also shows two swimming pools and one spa. Access to the site is from La Cienega Boulevard to the east to underground parking for building 2. Access to underground parking for building 1 is from Pacific Concourse Drive to the west.
10. The applicant is requesting an amendment to the Countywide General Plan to change the land use designation of the 5-acre parcel from Low Density Residential to High Density Residential. The High Density Residential areas are suitable for medium and high rise apartments and condominiums, three or more stories in height. The intent of this classification is to provide for high density residential development in appropriate locations, conveniently accessible to, or within multipurpose urban centers. Densities generally exceed 22 units per gross acre.
11. The proposed plan amendment is consistent with the goals and policies of the Countywide General Plan. The proposed residential project will increase the supply of housing, promote the efficient use of land through a more concentrated pattern of urban development, improve the jobs-housing balance in the area and concentrate well-designed high-density housing in and adjacent to job centers and local transit service.
12. Approval of the proposed plan amendment is in the public interest and is in conformity with good planning practice.
13. An Initial Study was prepared for the Proposed Residential Project in compliance with the California Environmental Quality Act (Public Resources Code section 21000, et seq.) ("CEQA"), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines of the County of Los Angeles. The Initial Study concluded that there was substantial evidence that the Proposed

Residential Project may have a significant impact on the environment in the following areas: land use, noise, air quality, traffic/access, education, and recreation. The Initial Study determined that a Supplemental Environmental Impact Report ("SEIR") would be required.

14. The SEIR prepared for the Proposed Residential Project concluded that no significant effects which cannot be avoided or mitigated have been identified except for impacts to air quality related to construction and cumulative impacts to traffic. All other potentially significant environmental impacts including air quality impacts related to operations, project-specific traffic impacts, noise, education (schools and libraries), land use and recreation can be mitigated to less than significant levels through implementation of mitigation measures identified in the SEIR.

THEREFORE, BE IT RESOLVED THAT the Board of Supervisors of the County of Los Angeles:

1. Considers the Final Supplemental Environmental Impact Report prepared for the Proposed Residential Project and presented to the Board; certifies that it has reviewed and considered the environmental information contained in the document; certifies that the FSEIR has been completed in compliance with CEQA, the CEQA Guidelines, and County CEQA Guidelines and reflects the independent judgment of the Board as to the environmental consequences of the Proposed Residential Project; determines that the conditions of approval and mitigation measures discussed in the FSEIR are the only mitigation measures for the Proposed Residential Project which are feasible; determines that the remaining unavoidable environmental effects of the Proposed Residential Project have been reduced to the extent possible and to an acceptable level and are outweighed by specific social, economic, and environmental benefits of the Proposed Residential Project; and adopts the Findings of Fact and Statement of Overriding Considerations prepared for the Proposed Residential Project.
2. Determines that the subject amendment is compatible with and supportive of the goals and policies of the County General Plan; and
3. Adopts Plan Amendment No. 03-139-(2) amending the Land Use Policy Map of the Countywide General Plan as shown on the map attached to this resolution.

The foregoing resolution was on the _____, adopted by the Board of Supervisors of the County of Los Angeles and ex officio the governing body of all other special assessment and taxing districts, agencies and authorities for which Board so acts.

VIOLET VARONA-LUKENS, Executive Officer-
Clerk of the Board of Supervisors of
the County of Los Angeles

By _____
Deputy

APPROVED AS TO FORM
BY COUNTY COUNSEL

LLOYD W. PELLMAN

By _____
Deputy

**FINDINGS AND ORDER OF THE REGIONAL PLANNING COMMISSION
COUNTY OF LOS ANGELES**

CONDITIONAL USE PERMIT, VARIANCE, PLAN AMENDMENT, ZONE CHANGE 03-139-(2)

**CONDITIONAL USE PERMIT CASE NO. 03-139-(2)
VARIANCE CASE NO. 03-139-(2)
ZONE CHANGE CASE NO. 03-139-(2)
GENERAL PLAN AMENDMENT CASE NO. 03-139-(2)**

**REGIONAL PLANNING COMMISSION HEARING DATES: September 1, 2004
September 20, 2004, October 6, 2004 and November 3, 2004**

SYNOPSIS:

The applicant, Trammell Crow Residential (TCR) Southern California, Inc. ("Applicant"), has requested a conditional use permit, zone change, variance and general plan amendment to authorize the development of a multi-family residential project within the existing Del Aire Business Park ("Business Park"). The applicant is proposing to construct 430 apartments, reduced from an original application for 450 apartments, together with appurtenant structures and facilities, including pools, spas, a fitness center, and subterranean parking for 805 cars. The apartments will vary in size from studios to 3 bedroom units. The construction will require grading and off-site transport of more than 100,000 cubic yards of earth. The subject property is located at the intersection of La Cienega Boulevard and Pacific Concourse Drive in Del Aire.

Concurrent applications for Conditional Use Permit 04-114-(2) and an amendment to Development Agreement 87-060-(2) will modify the existing entitlements for the Business Park and remove the 5-acre subject property from the Business Park.

PROCEEDINGS BEFORE THE COMMISSION

September 1, 2004

A duly noticed public hearing was held before the Regional Planning Commission on September 1, 2004. Commissioner Helsley was absent. The applicant's representative presented testimony and answered questions posed by the Commission. Eight persons testified in favor of the project, eighteen persons testified in opposition. Concerns included traffic, impacts related to parking inadequacy, local schools and park capacity, noise and sheriff/police services. The Regional Planning Commission thereafter voted (4-0) to continue the public hearing and indicated its intent to hold an additional hearing in the community on September 20, 2004.

September 20, 2004

A continued public hearing was held before the Regional Planning Commission at the Anza Elementary School near the project site. Commissioner Helsley was absent during the first half of the hearing. The Commission heard opposition testimony from 57 community members. Six persons testified in support of the project, and fifty-one persons

testified in opposition. Individuals testifying in opposition re-stated concerns related to traffic impacts, parking inadequate, schools capacity, parks and recreation facilities, noise, and police services. The Regional Planning Commission voted (5-0) to continue the public hearing to October 6, 2004.

October 6, 2004

A continued public hearing was held before the Regional Planning Commission. All Commissioners were present. Four persons, including the Applicant's representatives, attorney, and traffic consultant and the property owner were sworn and testified. Staff began with an overview of project plans and public comments received during the public comment period. The Commissioners, staff, and County Counsel discussed the ramifications of the County's decision to study parking for the County Courthouse adjacent to the project site. The Applicant next presented a rebuttal to the opposition testimony and answered questions posed by the Commission.

There being no further testimony, the Commission closed the public hearing and directed the Applicant and County staff to provide additional clarifying information on issues raised during the public hearing. These issues included: (1) semi-annual meetings with the community to discuss community concerns, (2) the proposed parking for the project and parking management efforts made by the Courthouse, (3) the potential need for an additional contribution towards day care, (4) the viability of including retail at the project site, (5) the potential for converting the proposed apartments to condominiums in the future and converting the three bedroom units to two bedroom units with dens, and (6) the possibility of including a volunteer condition that sets minimum rent levels for the project. The Commission scheduled the item for discussion and possible action at its November 3, 2004, regularly scheduled meeting.

November 3, 2004

All Commissioners were present. No persons were sworn. Before the hearing, the Applicant submitted materials responding to the issues raised by the Commission in the October 6, 2004 hearing. The Commission, by a 5-0 vote (Commissioners Bellamy, Rew, Valadez, Helsley and Modugno voting their intent to approve), directed staff to return with the final environmental documentation for the project and to prepare findings and conditions for approval for the subject conditional use permit and variance.

Findings

REGIONAL PLANNING COMMISSION FINDINGS

1. The Los Angeles County Regional Planning Commission ("Commission") conducted duly noticed public hearings on Conditional Use Permit, Variance, Zone Change and General Plan Amendment Case No. 03-139-(2) on September 1, September 20, October 6, and November 3, 2004. These cases were heard concurrently with Conditional Use Permit Case No. 04-114-(2) and amendment to Development Agreement 87-060 for the Del Aire Business Park ("Business Park").

2. The applicant, Trammell Crow Residential (TCR) Southern California II, Inc. ("Applicant"), is proposing to construct a residential development on the subject property consisting of 430 dwelling units, together with appurtenant structures and facilities, including pools, spas, a fitness center, subterranean parking, lighting, fencing, landscaping, roadways and related infrastructure (the "Proposed Residential Project"). The construction will require grading and off-site transport of more than 100,000 cubic yards of earth.
3. The Proposed Residential Project site lies within the Pacific Concourse Business Park, also known as the Del Aire Business Park, which the County previously approved in 1987 to authorize development of 1,500,000 square feet of business park uses. To date, 701,000 square feet of business park uses have been developed.
4. A conditional use permit is required to ensure compliance with the requirements of the proposed Residential Planned Development zone pursuant to section 22.20.460 of the Los Angeles County Code ("County Code") and to ensure compliance with the grading and off-site transport requirements set forth in section 22.20.460 of the County Code.
5. The subject property is located at the intersection of La Cienega Boulevard and Pacific Concourse Drive in Del Aire.
6. The subject property is 5.4 gross acres in size including relevant parcels and easements and is irregular in shape with level topography. The site is currently vacant. Parcel 1 is 3.19 acres in size; Parcel 2 is 1.72 acres in size, with a new fire lane easement of 0.5 acres.
7. The subject property is currently zoned MPD (Manufacturing Planned Development). Concurrent with this approval, however, the Commission considered and indicated its intent to approve the Zone Change, and after its effective date, the subject 5-acre property will be zoned RPD-88u (Residential Planned Development – 88 dwelling units per net acre). The RPD designation will ensure that development occurring after the property has been rezoned will conform to plans submitted by the Applicant during the conditional use permit approval process.
8. Surrounding zoning is MPD to the north, west, and south. To the east of the site is La Cienega Boulevard, the I-405 Freeway and the City of Hawthorne.
9. The existing land uses to the north, west, and south of the site are part of the Business Park. These Business Park uses include the Airport Branch of the Los Angeles Municipal Courts and associated parking to the north and northwest, and office uses to the west and south. Single-family uses are located beyond the office uses to the west and south.

10. The existing MPD zoning of the subject property was established in connection with the Business Park approvals. Although much of the Business Park has been developed with light industrial, research and development, commercial and courthouse uses, the subject property has remained undeveloped. Since that time, the need for housing in the area and within the region has increased. The current MPD zoning does not allow multi-family residential uses, and thus does not address the needs of the Proposed Residential Project. The requested zone change will allow for much-needed housing located near existing jobs and public transit, and will be compatible with the nearby uses, including light industrial/commercial and single family uses.
11. The Proposed Residential Project is consistent with the requested RPD zoning classification, except that a Variance (Case No. 03-139) from the 50 percent building coverage is required to allow for building coverage of up to 55 percent. Pursuant to section 22.20.460 of the County Code, property in an RPD zone may be used for a planned residential development that will afford the same or lesser density of population or intensity of use than is specified in the zone, subject to the conditions and limitations of a conditional use permit.
12. As required by section 22.20.460B1 of the County Code, the subject property contains more than 5 acres including relevant parcels and easements, and the proposed project constitutes an orderly extension of development in arrangement of buildings, facilities and open space throughout the combined parcels of land in addition to all the other requirements for approval of a conditional use permit.
13. The property is depicted within the Low Density Residential land use classification on the Land Use Policy Map of the Los Angeles County General Plan ("General Plan"). When the County originally approved Parcel Map 18568, Conditional Use Permit Case No. 87-060 and Development Agreement Case No. 87-060 to permit development of the Business Park, on the basis of the County determining that a General Plan Amendment was not required because, as indicated on the Land Use Policy Map and elsewhere in the General Plan, "Due to the nature and scale of the map, land use patterns of less than fifty acres are generally not shown." The proposed modifications to the Business Park development agreement and conditional use permit (Development Agreement Amendment Case No. 87-060-(2) and Conditional Use Permit Case No. 04-114-(2)) are intended to allow the continuation of existing Business Park uses, do not alter or expand the existing permitted uses or entitlements, and do not create any inconsistencies with the General Plan. The Low Density Residential land use category allows one to six dwelling units per acre, which would permit a maximum of 30 units on the 5-acre property. The proposal to create 430 units, approximately 88 dwelling units/acre, is not consistent with the density permitted under the Low Density Residential category but is consistent with the density permitted under the High Density Residential category, which allows densities that exceed 22 units per acre.

Concurrent with this approval, however, the Commission considered and indicated its intent to approve the General Plan Amendment, and after its effective date, the subject property will be depicted within the High Density Residential land use classification on the Land Use Policy Map of the General Plan. The Proposed Residential Project will increase the supply of housing, promote the efficient use of land through a more concentrated pattern of urban development, improve the jobs-housing balance and concentrate well-designed high-density housing in and adjacent to job centers and local transit service. The Proposed Residential Project is consistent with the goals and policies of the General Plan.

14. Since the Business Park uses were approved, the need for housing in the area and within the region has increased. The recent revision to the Housing Element of the General Plan notes that population growth has outpaced housing production in the past decade, resulting in a shortage of housing. Although much of the Business Park has been developed with light industrial, research and development, commercial and courthouse uses, the subject property has remained undeveloped. The current Low Density Residential designation would permit only single family housing units, which would be inconsistent with the surrounding development. A high density residential development would be consistent with the character of the adjacent uses and would provide much-needed housing.
15. Approval of Conditional Use Permit 03-139-(2) will not become effective until the Board of Supervisors of Los Angeles County ("Board") has adopted an ordinance effecting the proposed change of zone to RPD, the proposed amendment to the General Plan to change the land use category to High Density Residential, the proposed Amendment to Development Agreement 87-060-(2) to remove the subject site from the Development Agreement, Conditional Use Permit 04-114-(2), which will replace Conditional Use Permit 87-060-(2) and remove the subject site from Conditional Use Permit 87-060-(2) and Variance No. 03-139-(2) to allow a deviation from the building coverage requirements for areas zoned RPD contained in the County Code.
16. The Applicant's site plan ("Exhibit A") depicts 430 residential units and community facilities, including an office, lounge, lobby, fitness center, business center, media room, and conference room in two buildings each four stories tall, occupying approximately 450,000 square feet. The proposed residential community will include studio, one bedroom, two bedroom, and three bedroom units ranging in size from approximately 500 square feet to approximately 1,500 square feet. Consistent with County Code requirements for residential projects in areas not zoned RPD, a total of 805 parking spaces, including guest parking, for the 430 units that are proposed will be provided. There is a gated entry leading to subterranean parking for one building from La Cienega Boulevard and a gated entry leading to subterranean parking for the other building from Pacific Concourse Drive. Guest parking spaces are provided

within the gated entry areas in each building. Access to the Proposed Residential Project shall be provided from La Cienega Boulevard and Pacific Concourse Drive.

17. The proposed use is subject to all applicable development standards and requirements of the RPD zone, as set forth in section 22.20.460 of the County Code, except as otherwise permitted by Variance Case No. 03-139.
18. In compliance with Zone Change Case No. 03-139-(2), the Proposed Residential Project does not exceed 88 units per net acre.
19. Section 22.20.460 of the County Code requires parking to be provided within areas zoned RPD as required to prevent traffic congestion and excessive on-street parking, with a minimum of one parking space per unit. As a result of comments received during the public hearings, the Applicant will instead comply with Code requirements for multi-family projects in non-RPD zones, resulting in a total of 805 parking spaces for the 430 units, including guest parking.
20. The Proposed Residential Project, with the attached conditions of approval, will comply with all applicable requirements of section 22.20.460 of the County Code as set forth below:
 - a. The number of units within the Proposed Residential Project shall not exceed 430.
 - b. Open space shall comprise not less than 30 percent of the net area, including common open space areas developed for recreational purposes.
 - c. The parking required shall be calculated based on County Code Section 22.52.1180 for the number and type of units provided as follows: each studio and studio loft unit, one covered parking space for each dwelling unit; each one-bedroom and one-bedroom loft unit, one and one-half covered parking spaces for each dwelling unit; for each apartment containing two or more bedrooms, two covered parking spaces. In addition, one standard parking space shall be provided for every four dwelling units. Based on these requirements, 805 parking spaces shall be provided for the 430 residential units as proposed.
 - d. The Applicant shall submit evidence that the Applicant has made arrangements with the serving utilities to install underground all new facilities necessary to furnish service in the development. This requirement may be waived where it would cause undue hardship or constitute an unreasonable requirement.

- e. All open-space related to the construction of the residential dwelling units shall be developed and made available prior to the final occupancy clearance for the Proposed Residential Project.
- 21. The Applicant has demonstrated the suitability of the subject property for the proposed use. Establishment of the proposed use at such location is in conformity with good zoning practice. Compliance with the conditions of approval will ensure compatibility with surrounding land uses and consistency with all applicable General Plan policies.
- 22. The Proposed Residential Project is a luxury residential project intended to meet a housing demand in the area for professionals and individuals seeking such housing and is intended to be compatible with the adjacent Business Park and single family residential neighborhood.
- 23. The Proposed Residential Project will be subject to covenants, conditions and restrictions for the Business Park, which control and guide the development by ensuring the construction of attractive and functional improvements for the protection of individual property values, encourage the erection of attractive, high quality improvements, ensure the proper maintenance of the improvements and insure the proper development of the Proposed Residential Project site as a business/office park that includes multi-family residential uses. The covenants, conditions and restrictions will also require the Applicant to maintain the property in good condition.
- 24. The Applicant has represented that it has constructed approximately 170,000 housing units and manages approximately 60,000 housing units nationally. Materials submitted and presented by the Applicant, including photographs and floor plans, illustrate projects of comparable type and quality to the Proposed Residential Project. These projects include the nearby Alexan Fontaine project on Glencoe Avenue in the City of Los Angeles. The Applicant has indicated that it will use best efforts to maintain the same level of quality as in the Alexan Fontaine project.
- 25. A variance is required to ensure compliance with the requirements of the proposed Residential Planned Development zone pursuant to section 22.20.460B5 of the Los Angeles County Code ("County Code").
- 26. Special circumstances support the granting of the Variance. The subject site has been vacant for many years. The other parcels in the Business Park have been developed to include light industrial, research and development, and commercial uses, as well as a County courthouse. The Proposed Residential Project has been carefully designed to complement the surrounding uses and will include amenities such as a clubhouse and fitness center to provide on-site recreational facilities. The irregular shape of the remaining Business Park site limits the potential design of the Proposed Residential Project. Further, unlike

the other properties in the Business Park, the Proposed Residential Project site is completely bounded by roads (Pacific Concourse Drive and La Cienega) and other access ways. Other than a portion of Pacific Concourse Drive, however, the owner of the Proposed Residential Project site does not own the access ways surrounding the property, proposed to be used as circulation for the Proposed Residential Project. Surrounding properties within the Business Park, including those neighboring the subject site, have already been developed and include on-site, privately-owned circulation areas and parking lots, all of which count as open space when calculating lot coverage. Thus, although neighboring sites are permitted to count privately-owned access and circulation areas towards the open space requirement, the subject site cannot.

27. The Variance is necessary to preserve a substantial property right possessed by neighboring property owners. Pursuant to the previous Conditional Use Permit and Development Agreement adopted for the Business Park in 1987, all of the properties within the Business Park are currently subject to a 50 percent lot coverage requirement, which applies on a site wide basis; the Business Park approvals contain no parcel-by-parcel or property-specific lot coverage requirement. The County Code limits lot coverage within the MPD zone to 60 percent. Therefore, as long as the site-wide cap is not exceeded, the individual Business Park properties may exceed 50 percent lot coverage up to the limitations of the County Code. To date, total site coverage within the Business Park (excluding the Proposed Residential Project site) is approximately 180,000 square feet over 25 acres, which falls well below 50 percent lot coverage. Any of the surrounding Business Park properties, therefore, have a right to exceed 50 percent lot coverage without exceeding the site-wide cap. The requested variance is necessary to preserve the current right to exceed 50 percent lot coverage at the Proposed Residential Project site.
28. The Proposed Residential Project will complement the existing office, courthouse, and single-family residential uses in the immediate vicinity. The Applicant has reduced the lot coverage of the Proposed Residential Project by proposing subterranean parking and four-story apartment buildings, and the Proposed Residential Project will include attractively landscaped courtyards and other open spaces. The Project represents a significant reduction in density from what was contemplated by the approved Business Park entitlements for the subject site.
29. Approval of such a minor variance will not be materially detrimental to the public welfare or be injurious to other property or improvements in the same vicinity and zone because it is such a minor deviation and because it is only necessary if the surrounding easement areas are not counted towards the open space requirement. Moreover, as the surrounding Business Park properties are only subject to a 50 percent lot coverage limitation on a site-wide basis and are otherwise subject to a 60 percent property-specific lot

coverage requirement, the Variance would neither be inconsistent with the requirements of the surrounding properties nor impact the ability of the Business Park properties to comply with those requirements.

30. Approval of Variance No. 03-139-(2) will not become effective unless and until the Board of Supervisors of Los Angeles County ("Board") has adopted an ordinance effecting the proposed change of zone to RPD, the proposed amendment to the General Plan to change the land use category to High Density Residential, the proposed Amendment to Development Agreement 87-060-(2) to remove the subject site from the Development Agreement, Conditional Use Permit 04-114-(2), which will replace Conditional Use Permit 87-060-(2) and remove the subject site from Conditional Use Permit 87-060-(2) and Conditional Use Permit No. 03-139-(2).
31. The County determined when approving Development Agreement Case No. 87-060 that it was consistent with the General Plan. The proposed Amendment to Development Agreement Case No. 87-060 only will remove the subject property from the Development Agreement. The Proposed Residential Project will be consistent with the General Plan as amended.
32. At its public hearing, the Commission received oral testimony and written comments from the proponents and the opponents. At the first public hearing eight persons testified in favor of the residential project; 18 persons testified in opposition. At the community hearing six persons testified in favor and 57 persons in opposition. Concerns included traffic, impacts related to parking inadequacy, local schools and park capacity, noise and sheriff/police services.
33. An Initial Study was prepared for the Proposed Residential Project in compliance with the California Environmental Quality Act (Public Resources Code section 21000, et seq.) ("CEQA"), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines of the County of Los Angeles. The Initial Study concluded that there was substantial evidence that the Proposed Residential Project may have a significant impact on the environment in the following areas: land use, noise, air quality, traffic/access, education, and recreation. The Initial Study determined that a Supplemental Environmental Impact Report ("SEIR") would be required.
34. The SEIR prepared for the Proposed Residential Project concluded that no significant effects which cannot be avoided or mitigated have been identified except for impacts to air quality related to construction and impacts to traffic related to cumulative impacts. All other potentially significant environmental impacts including air quality impacts related to operations, project-specific traffic impacts, noise, education (schools and libraries), land use and recreation can be mitigated to less than significant levels through implementation of mitigation measures identified in the SEIR.

35. Approval of the Proposed Residential Project requires adoption of a Statement of Overriding Considerations, including a finding that the benefits of the Proposed Residential Project outweigh the potential unavoidable adverse impacts and that the unavoidable impacts are nonetheless acceptable based on specific overriding considerations.
36. The Commission finds that the Proposed Residential Project is not *de minimus* in its effect on fish and wildlife and is not exempt from payment of a fee to the California Department of Fish and Game pursuant to Section 711.4 of the Fish and Game Code.
37. The SEIR for the Proposed Residential Project has been prepared in accordance with CEQA, the CEQA Guidelines, and the County CEQA Guidelines. The Final SEIR consists of the Draft SEIR dated June 2004, the Technical Appendices to the Draft SEIR dated June 2004, the Final Environmental Impact Report prepared for the Del Aire Business Park dated August 1987, and the Responses to Comments (collectively referred to as the "FSEIR"). Recirculation of the SEIR was not required, as no new significant information, as defined by Cal. Code Regs., tit. 14, sec. 15088.5, was added to the SEIR after public notice of the Draft SEIR was given.
38. A Mitigation Monitoring Program, dated January 2005, consistent with the conclusions and recommendations of the FSEIR, has been prepared and its requirements have been incorporated into the conditions of approval for the Proposed Residential Project.
39. The Commission has independently reviewed, considered, and certified the FSEIR, and it reflects the independent judgment of the County. As stated in the FSEIR and the Findings of Fact and Statement of Overriding Considerations, the Proposed Residential Project will result in unavoidable significant impacts on air quality and traffic. Such impacts have been reduced to the extent feasible, and the Commission finds that the benefits of the Proposed Residential Project outweigh these unavoidable adverse impacts. Such unavoidable impacts are determined to be acceptable based upon the overriding considerations set forth in the Statement of Overriding Considerations for the Proposed Residential Project.
40. The Findings of Fact and Statement of Overriding Considerations that have been prepared for the Proposed Residential Project are incorporated herein by this reference as if set forth in full.
41. The proposed use is subject to all applicable development standards and requirements of the RPD zone, as set forth in section 22.20.460 of the County Code, except as otherwise permitted by Variance No. 03-139-(2).
42. After considering the evidence presented, the Commission approved Conditional Use Permit Case No. 03-139-(2), Variance Case No. 03-139-(2),

and recommends approval of Zone Change Case No. 03-139-(2), General Plan Amendment Case No. 03-139-(2), and the Amendment to Development Agreement Case No. 87-060-(2). Conditional Use Permit Case No. 04-114-(2) to remove the Proposed Residential Project from the Business Park permit, which was heard concurrently with project 03-139-(2), was also approved.

43. The documents and other materials constituting the record of proceedings upon which the Commission's decision is based in this matter are located at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits I Section, Los Angeles County Department of Regional Planning.

**BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION
CONCLUDES THAT:**

WITH RESPECT TO CONDITIONAL USE PERMIT CASE NO. 03-139-(2):

The proposed use and grading with the attached conditions and restrictions will be consistent with the adopted General Plan;

- A. With the attached conditions and restrictions, the requested use and grading at the proposed location will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare;
- B. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping, and other development features prescribed in Title 22 of the County Code, or as otherwise required in order to integrate said use with the uses in the surrounding area;
- C. The proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required;
- D. The Proposed Residential Project is located and designed so as to protect the safety of current and future community residents and will not create significant threats to life and/or property due to the presence of geologic, seismic, slope instability, fire, flood, mud flow, or erosion hazard;
- E. The development program submitted provides necessary safeguards to insure completion of the proposed development by the permittee, forestalling

substitution of a lesser type of development contrary to the public convenience, welfare, or development needs of the area;

- F. The Proposed Residential Project has been designed to be compatible with the surrounding area in terms of land use patterns, design, and established community character.

WITH RESPECT TO VARIANCE CASE NO. 03-139:

- A. There are special circumstances or exceptional characteristics applicable to the property involved, such as size, shape, topography, location or surroundings, which are not generally applicable to other properties in the same vicinity and under identical zoning classification;
- B. The requested Variance is necessary for the preservation of a substantial property right of the Applicant such as that possessed by owners of other property in the same vicinity and zone;
- C. The requested Variance will not be materially detrimental to the public welfare or be injurious to other property or improvements in the same vicinity and zone.

AND, THEREFORE, the information submitted by the Applicant presented at the public hearing substantiates the required findings for a conditional use permit as set forth in Sections 22.56.090 and for a variance as set forth in section 22.56.290 of the Los Angeles County Code, as well as a zone change and general plan amendment.

REGIONAL PLANNING COMMISSION ACTION:

The Regional Planning Commission of the County of Los Angeles hereby:

1. Approves the Final Supplemental Environmental Impact Report prepared for the Proposed Residential Project and presented to the Commission; certifies that it has reviewed and considered the environmental information contained in the document; certifies that the FSEIR has been completed in compliance with CEQA, the CEQA Guidelines, and County CEQA Guidelines and reflects the independent judgment of the Commission as to the environmental consequences of the Proposed Residential Project; determines that the conditions of approval and mitigation measures discussed in the FSEIR are the only mitigation measures for the Proposed Residential Project which are feasible; determines that the remaining unavoidable environmental effects of the Proposed Residential Project have been reduced to the extent possible and to an acceptable level and are outweighed by specific social, economic, and environmental benefits of the Proposed Residential Project; and adopts the Findings of Fact and Statement of Overriding Considerations prepared for the Proposed Residential Project.

2. Approves and adopts the Mitigation Monitoring Program for the Proposed Residential Project, incorporated in the FSEIR, and pursuant to section 21081.6 of the Public Resources Code, finds that the Mitigation Monitoring Plan is adequately designed to ensure compliance with the mitigation measures during project implementation;
3. Approves Conditional Use Permit Case No. 03-139-(2) subject to the attached conditions; and
4. Approves Variance Case No. 03-139-(2) subject to the attached conditions.

VOTE:

Concurring: Rew, Helsley, Modugno, Bellamy

Dissenting: none

Abstaining: none

Absent: Valadez

Action Date: February 2, 2005

RJF:MBM
2/8/2005

FINDINGS AND ORDER OF THE REGIONAL PLANNING COMMISSION COUNTY OF LOS ANGELES

CONDITIONAL USE PERMIT 04-114-(2) AMENDMENT TO DEVELOPMENT AGREEMENT CASE NO. 87-060

**REGIONAL PLANNING COMMISSION HEARING DATES: September 1, 2004
September 20, 2004, October 6, 2004 and November 3, 2004**

SYNOPSIS:

The applicants, Trammell Crow Residential (TCR) Southern California, Inc., with the consent of the property owners (the Chief Administrative Officer of the County of Los Angeles, Diagnostic Products Corporation and GRE Pacific LP) ("Applicants"), have requested a conditional use permit to modify a previously approved conditional use permit (87-060) which authorizes the development of an approximately 30-acre mixed use business park, known as the Pacific Concourse Business Park or the Del Aire Business Park ("Business Park"), and an amendment to the related Development Agreement to authorize the development of a multi-family residential project within the existing Business Park. The applicant is proposing to sever five acres from the Business Park property to construct 430 apartments, together with appurtenant structures and facilities, including pools, spas, a fitness center, and subterranean parking for 805 cars. The subject property is located at La Cienega Boulevard and Pacific Concourse Drive in the unincorporated Del Aire.

PROCEEDINGS BEFORE THE COMMISSION

September 1, 2004

A duly noticed public hearing was held before the Regional Planning Commission on September 1, 2004. Commissioner Helsley was absent. The applicant's representative presented testimony and answered questions posed by the Commission. Eight persons testified in favor of the residential project, eighteen persons testified in opposition. Concerns included traffic impacts, parking inadequacy, impacts on local schools and parks, noise impacts and impacts on sheriff/police services. The Regional Planning Commission thereafter voted (4-0) to continue the public hearing and indicated its intent to hold an additional hearing in the community on September 20, 2004.

September 20, 2004

A continued public hearing was held before the Regional Planning Commission at the Anza Elementary School near the project site. Commissioner Helsley was absent during the first half of the hearing. The Commission heard opposition testimony from 57 community members. Six persons testified in support of the residential project, and fifty-one persons testified in opposition. Individuals testifying in opposition reiterated concerns related to traffic impacts, traffic impacts, parking inadequacy, schools impacts,

parks and recreation impacts, noise impacts, and police services impacts. The Regional Planning Commission voted (5-0) to continue the public hearing to October 6, 2004.

October 6, 2004

A continued public hearing was held before the Regional Planning Commission. All Commissioners were present. Four persons, including the Applicant's representatives, attorney, and traffic consultant and the property owner were sworn and testified. Staff began with an overview of project plans and public comments received during the public comment period. The Commissioners, staff, and County Counsel discussed the impact on the residential project of the County's decision to study parking for the County Courthouse adjacent to the project site. The Applicant then was allowed to present a rebuttal to the opposition testimony and answered questions posed by the Commission. There being no further testimony, the Commission closed the public hearing and directed the Applicant and County staff to provide additional clarifying information on issues raised during the public hearing; issues included: (1) semi-annual meetings with the community to discuss community concerns, (2) the proposed parking for the project and parking management efforts made by the Courthouse, (3) the potential need for an additional contribution towards day care, (4) the viability of including retail at the project site, (5) the potential for converting the proposed apartments to condominiums in the future and converting the three bedroom units to two bedroom units with dens, and (6) the possibility of including a volunteer condition that sets minimum rent levels for the project. The Commission scheduled the item for discussion and possible action at its November 3, 2004, regularly scheduled meeting.

November 3, 2004

All Commissioners were present. No persons were sworn. Before the hearing, the Applicant submitted materials responding to the issues raised by the Commission in the October 6, 2004 hearing. The Commission, by a 5-0 vote (Commissioners Bellamy, Rew, Valadez, Helsley and Modugno voting their intent to approve), directed staff to return with the final environmental documentation for the project and to prepare findings and conditions for approval for the subject conditional use permit and variance.

Findings

REGIONAL PLANNING COMMISSION FINDINGS

1. The applicant has requested a conditional use permit and amendment to Development Agreement 87-060-(2) for the Del Aire Business Park ("Business Park")
2. Conditional Use Permit, Variance, Zone Change and General Plan Amendment Cases No. 03-139-(2) were heard concurrently.
3. This request separates the five-acre residential project site, to modify the legal description for the existing Business Park conditional use permit and Development Agreement to authorize the construction of a residential development on the

vacant five acre property, currently a part of the Business Park. The Residential Development will consist of 430 dwelling units, together with appurtenant structures and facilities, including pools, spas, a fitness center, subterranean parking, lighting, fencing, landscaping, roadways and related infrastructure (the "Proposed Residential Project").

4. Conditional Use Permit 87-060 (approved 11/25/87) Development Agreement 87-060 (adopted 1/12/88) and Parcel Map 18568 (recorded 12/23/88) established development standards, permitted uses, rentable floor space, and other restrictions for the development of the approximately 30-acre Del Aire Business Park.
5. The Business Park has previously been developed in three phases according to above-referenced entitlements, and currently has three separate owners: GRE Pacific LP, Diagnostics Products Corporation and the Los Angeles County Courthouse. A total of 701,000 square feet of court, office, warehousing, retail and light manufacturing has been built to date. 1,833 parking spaces are provided.
6. The proposed Residential Project (project 03-139-(2)) consists of replacing 700,000 square feet of the available 800,000 square feet with approximately 450,000 square feet of residential uses. The remaining 100,000 square feet will be retained by the Business Park and reserved for commercial uses and would not be part of the proposed residential project.
7. Specific amendments to the previously approved Development Agreement 87-060 include 1) a reduction in floor area under the existing conditional use permit from 1.5 million square feet to 801,000 square feet; 2) removal of a requirement of a jogging path on the Business Park site; and 3) removal of a 10% landscaping requirement. The applicants also requested a deletion of a day care center requirement, which requires a facility be provided either on-site or within ½ mile of the Business Park as part of the last phase of the Business Park development. The Commission does not grant the deletion of the day care center requirement.
8. Pursuant to section 4.05.08 of Development Agreement 87-060-(2) an indoor gymnasium of not less than six hundred square feet, passive recreational facilities, and a jogging path not less than one quarter mile in length shall be provided at the Business Park. A gymnasium has been constructed and is available for Business Park employees. Passive recreational areas such as benches and tables available within the Business Park. The jogging path is partially established on the 5-acre site to be separated from the Business Park and will be deleted in order to construct the Residential Project.
9. Pursuant to Section 4.03 of Development Agreement 87-060, the Business Park should maintain at least 2% of the Site devoted to surface parking landscaping and at least 10% for the Site as a whole. With the removal of the approximately

five-acre site from the Business Park the 10% landscaping requirement cannot be met. The Business Park will, however, maintain at least 2% of the surface parking areas landscaped and existing landscaped areas shall not be removed or relocated without prior approval of the Department of Regional Planning.

10. The subject property is located at the intersection of La Cienega Boulevard and Pacific Concourse Drive in Del Aire.
11. The subject property is zoned MPD (Manufacturing Planned Development). No change in zone is proposed for the Business Park property.
12. The city of Los Angeles is located to the north of the project site. Surrounding zoning to the south is R-1 (Single Family Residence), R-3 (Limited Multiple Residence) and R-3-P (Limited Multiple Residence – Parking), and R-1 to the west. The City of Hawthorne is located to the east, beyond the 405-freeway. The northeast portion of the current business park will be re-zoned from MPD to RPD-88u (Residential Planned Development- 88 units per net acre) per Zone Change 03-139, heard concurrently with this permit.
13. Existing land uses consist of the 105 (Century) Freeway to the north; single family residences to the south, light industry and the 405 (San Diego) Freeway to the east and single family residences to the west.
14. The existing MPD zoning of the subject property was established in connection with the initial Business Park approvals (87-060). The Business Park has been developed with light industrial, research and development, commercial and courthouse uses.
15. The Business Park property is depicted within the Low Density Residential land use classification on the Land Use Policy Map of the Los Angeles County General Plan (“General Plan”). When the County originally approved Parcel Map 18568, Conditional Use Permit Case No. 87-060 and Development Agreement Case No. 87-060 to permit development of the Business Park, the County determined that a General Plan Amendment was not required because, as indicated on the Land Use Policy Map and elsewhere in the General Plan, “Due to the nature and scale of the map, land use patterns of less than fifty acres are generally not shown.” The proposed modifications to the Business Park development agreement and conditional use permit (Development Agreement Amendment Case No. 87-060 and Conditional Use Permit Case No. 04-114) are intended to allow the continuation of existing Business Park uses, do not alter or expand the existing permitted uses or entitlements, and do not create any inconsistencies with the General Plan. The existing Business Park is consistent with the goals and policies of the General Plan.
16. Since the Business Park uses were approved, the need for housing in the area and within the region has increased. The recent revision to the Housing Element of the General Plan notes that population growth has outpaced housing production

in the past decade, resulting in a shortage of housing. Although much of the Business Park has been developed with light industrial, research and development, commercial and courthouse uses, the 5-acre property to be removed from the Business Park has remained undeveloped. A high density residential development would be consistent with the character of the adjacent Business Park uses and would provide much-needed housing.

17. Approval of Conditional Use Permit 04-114-(2), which will replace Conditional Use Permit 87-060-(2), and the amendment to Development Agreement 87-060-(2) will not become effective until the Board of Supervisors of Los Angeles County has adopted an ordinance effecting concurrent project 03-139-(2) change the zone to RPD-88u on the 5-acre portion, the proposed amendment to the General Plan to change the land use category to High Density Residential, and Variance No. 03-139-(2) to allow a deviation from the building coverage requirements for areas zoned RPD contained in the County Code.
18. The Applicant's site plan ("Exhibit A") depicts the Business Park developed with a County Courthouse, a parking structure, and three office buildings labeled #10, #20, and #30 are located at western end of the Business Park. Diagnostic Product's building fronts La Cienega Boulevard. Surface parking spaces are shown surrounding all buildings. The Business Park takes its primary access from La Cienega Boulevard through Pacific Concourse Drive. An additional driveway off La Cienega is located further north, at the Courthouse.
19. The proposed use is subject to all applicable development standards and requirements of the MPD zone, as set forth in section 22.32.150 of the County Code except as otherwise permitted by Development Agreement 87-060, as amended.
20. Compliance with the conditions of approval will ensure compatibility with surrounding land uses and consistency with all applicable General Plan policies.
21. The Proposed Residential Project is a luxury residential project intended to meet a housing demand in the area for professionals and individuals seeking such housing and is intended to be compatible with the adjacent Business Park and single family residential neighborhood.
22. The Business Park properties are subject to a 50 percent lot coverage limitation on a site-wide basis and are otherwise subject to a 60 percent property-specific lot coverage requirement. The Residential Project would neither be inconsistent with the requirements of the surrounding properties nor impact the ability of the Business Park properties to comply with those requirements.
23. Pursuant to paragraph 4.13.03 of the amended Development Agreement (87-060) the Business Park is subdivided into seven parcels. The property removed from the Business Park represents two parcels of approximately five gross acres. The Business Park will consist of approximately 25 acres after the proposed

amendment. The Floor Area Ratio (FAR) for each parcel shall not exceed 4.5:1 and the FAR for the entire site shall not exceed 1.2:1. The Business Park has developed a total of 701,000 square feet of floor area and remains in compliance with the stated FAR.

24. An Initial Study was prepared for the Proposed Residential Project in compliance with the California Environmental Quality Act (Public Resources Code section 21000, et seq.) ("CEQA"), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines of the County of Los Angeles. The Initial Study concluded that there was substantial evidence that the Proposed Residential Project may have a significant impact on the environment in the following areas: land use, noise, air quality, traffic/access, education, and recreation. The Initial Study determined that a Supplemental Environmental Impact Report ("SEIR") would be required.
25. The SEIR prepared for the Proposed Residential Project concluded that no significant effects which cannot be avoided or mitigated have been identified except for impacts to air quality related to construction and impacts to traffic related to cumulative impacts. All other potentially significant environmental impacts including air quality impacts related to operations, project-specific traffic impacts, noise, education (schools and libraries), land use and recreation can be mitigated to less than significant levels through implementation of mitigation measures identified in the SEIR.
26. Approval of the Proposed Residential Project requires adoption of a Statement of Overriding Considerations, including a finding that the benefits of the Proposed Residential Project outweigh the potential unavoidable adverse impacts and that the unavoidable impacts are nonetheless acceptable based on specific overriding considerations.
27. The SEIR for the Proposed Residential Project has been prepared in accordance with CEQA, the CEQA Guidelines, and the County CEQA Guidelines. The Final SEIR consists of the Draft SEIR dated June 2004, the Technical Appendices to the Draft SEIR dated June 2004, the Final Environmental Impact Report prepared for the Del Aire Business Park dated August 1987, and the Responses to Comments (collectively referred to as the "FSEIR"). Recirculation of the SEIR was not required, as no new significant information, as defined by Cal. Code Regs., tit. 14, sec. 15088.5, was added to the SEIR after public notice of the Draft SEIR was given.
28. A Mitigation Monitoring Program, dated January 2005, consistent with the conclusions and recommendations of the FSEIR, has been prepared and its requirements have been incorporated into the conditions of approval for the Proposed Residential Project.

29. The Commission has independently reviewed, considered, and certified the FSEIR, and it reflects the independent judgment of the County. As stated in the FSEIR and the Findings of Fact and Statement of Overriding Considerations, the Proposed Residential Project will result in unavoidable significant impacts on air quality and traffic. Such impacts have been reduced to the extent feasible, and the Commission finds that the benefits of the Proposed Residential Project outweigh these unavoidable adverse impacts. Such unavoidable impacts are determined to be acceptable based upon the overriding considerations set forth in the Statement of Overriding Considerations for the Proposed Residential Project.
30. The Findings of Fact and Statement of Overriding Considerations that have been prepared for the Proposed Residential Project are incorporated herein by this reference as if set forth in full.
31. The County determined when approving Development Agreement Case No. 87-060-(2) that it was consistent with the General Plan. The proposed Amendment to Development Agreement Case No. 87-060-(2) only will remove the Residential Project property from the Development Agreement. The Proposed Residential Project will be consistent with the General Plan as amended.
32. At its public hearing, the Commission received oral testimony and written comments from the proponents and the opponents. At the first public hearing eight persons testified in favor of the residential project; 18 persons testified in opposition. At the community hearing six persons testified in favor and 57 persons in opposition. Concerns included parking inadequacy for the Courthouse and impacts on local schools, parks, noise impacts and police/sheriff services related to case 03-139-(2), heard concurrently.
33. The documents and other materials constituting the record of proceedings upon which the Commission's decision is based in this matter are located at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits I Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION CONCLUDES THAT:

WITH RESPECT TO CONDITIONAL USE PERMIT CASE NO. 04-114-(2):

The proposed use with the attached conditions and restrictions will be consistent with the adopted General Plan;

- A. With the attached conditions and restrictions, the requested use at the proposed location will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment, or valuation of property of

other persons located in the vicinity of the site, and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare;

- B. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping, and other development features prescribed in Title 22 of the County Code, or as otherwise required in order to integrate said use with the uses in the surrounding area;
- C. The proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required;
- D. The Business Park has been designed to be compatible with the surrounding area in terms of land use patterns, design, and established community character.

AND, THEREFORE, the information submitted by the Applicant presented at the public hearing substantiates the required findings for a conditional use permit as set forth in Sections 22.56.090 of the Los Angeles County Code.

REGIONAL PLANNING COMMISSION ACTION:

The Regional Planning Commission of the County of Los Angeles hereby:

1. Approves the Final Supplemental Environmental Impact Report prepared for the Proposed Residential Project and presented to the Commission; certifies that it has reviewed and considered the environmental information contained in the document; certifies that the FSEIR has been completed in compliance with CEQA, the CEQA Guidelines, and County CEQA Guidelines and reflects the independent judgment of the Commission as to the environmental consequences of the Proposed Residential Project; determines that the conditions of approval and mitigation measures discussed in the FSEIR are the only mitigation measures for the Proposed Residential Project which are feasible; determines that the remaining unavoidable environmental effects of the Proposed Residential Project have been reduced to the extent possible and to an acceptable level and are outweighed by specific social, economic, and environmental benefits of the Proposed Residential Project; and adopts the Findings of Fact and Statement of Overriding Considerations prepared for the Proposed Residential Project.
2. Approves and adopts the Mitigation Monitoring Program for the Proposed Residential Project, incorporated in the FSEIR, and pursuant to section 21081.6 of the Public Resources Code, finds that the Mitigation Monitoring Plan is adequately

designed to ensure compliance with the mitigation measures during project implementation; and

3. Approve Conditional Use Permit Case No. 04-114-(2) subject to the attached conditions.

VOTE:

Concurring: Rew, Helsley, Modugno, Bellamy

Dissenting: none

Abstaining: none

Absent: Valadez

Action Date: February 2, 2005

RJF:MBM
2/7/2005

CONDITIONS

CONDITIONAL USE PERMIT 04-114-(2)

1. This grant authorizes the continued development, operation and maintenance of the Del Aire Business Park, a multi-use business park, as depicted on the approved Exhibit "A". The permit separates the five (5) acre site proposed for apartment development from the previously approved Business Park development; it includes the removal of requirements for a jogging path, a reduction in the total square footage and a reduction in required landscaping. This permit is subject to all of the following conditions of approval.
2. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of this grant.
3. This grant shall not be effective for any purpose until the permittee, and the owner(s) of the subject property if other than the permittee, have filed at the office of the Department of Regional Planning their affidavit stating that they are aware of, and agree to accept, all of the conditions of this grant and that the conditions of the grant have been recorded as required by Condition No. 8, and until all required monies have been paid pursuant to Condition Nos. 9 and 10. Further, this grant shall not become effective unless and until the County of Los Angeles Board of Supervisors has adopted an amendment to Development Agreement No. 87-060-(2), Plan Amendment Case No. 03-139 and Zone Change Case No. 03-139, and an ordinance effecting such change has become effective.
4. The permittee shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitation period. The County shall notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay the Department of Regional Planning an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
 - a. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to

the number of supplemental deposits that may be required prior to completion of the litigation.

- b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

The cost for collection and duplication of records and other related documents will be paid by the permittee in accordance with Los Angeles County Code Section 2.170.010.

6. This grant will expire unless used within 60 days from the date of approval. This grant will be deemed used upon acceptance of the conditions.
7. If any provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.
8. Prior to the use of this grant, the terms and conditions of the grant shall be recorded in the office of the County Recorder. In addition, upon any transfer or lease of the subject property during the term of this grant, the permittee shall promptly provide a copy of the grant and its terms and conditions to the transferee or lessee, as applicable, of the subject property.
9. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Prior to the use of this grant, the permittee shall deposit with the County of Los Angeles the sum of **\$1,500.00**. These monies shall be placed in a performance fund that shall be used exclusively to compensate the Department of Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval, including adherence to development in accordance with the approved site plan on file. The fund provides for **(10) biennial (every other year) inspections of the site.** **Inspections shall be unannounced.**

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any condition of this grant, the permittee shall be financially responsible for and shall reimburse the Department of Regional Planning for all additional inspections and for any enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be the amount equal to the recovery cost at the time of payment (currently \$150.00 per inspection).

10. Within fifteen (15) calendar days of the approval date of this grant, the permittee shall remit processing fees payable to the County of Los Angeles in connection with the filing and posting of a Notice of Determination in compliance with Section 21152 of the Public Resources Code. The project is not *de minimus* in its effect on fish and wildlife and is not exempt from payment of a fee to the California Department of Fish and Game pursuant to Section 711.4 of the Fish and Game Code. The current fee amount for a case where an EIR is required is **\$875.00**. Fee is required in conjunction with case 03-139-(2). Only one Fish and Game fee is payable for 03-139-(2) and 04-114-(2)
11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission or a hearing officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or hearing officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public health or safety or so as to be a nuisance.
12. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless specifically modified by this grant, as set forth in these conditions or shown on the approved plans.
13. Upon approval of this grant, the permittee shall contact the Fire Prevention Bureau of the Los Angeles County Forester and Fire Warden to determine what facilities may be necessary to protect the property from fire hazard. Any necessary facilities shall be provided to the satisfaction of and within the time periods established by said Department.
14. All structures shall comply with the requirements of the Division of Building and Safety of the Los Angeles County Department of Public Works.
15. The subject property shall be developed and maintained in compliance with requirements of the Los Angeles County Department of Health Services. Adequate water and sewage facilities shall be provided to the satisfaction of said Department.
16. All structures, walls, and fences open to public view shall remain free of extraneous markings, drawings, or signage. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about the premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization. In the event such extraneous markings occur, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

17. The property shall be developed and maintained in substantial conformance with the approved Exhibit "A". In the event that subsequent revised plans are submitted, the permittee shall submit three (3) copies of the proposed plans to the Director for review and approval. All revised plans must be accompanied by the written authorization of the property owner.
18. Existing landscaped areas shall not be removed or relocated without prior approval by the Department of Regional Planning. All landscaping shall be continuously maintained in good condition, including proper pruning, weeding, removal of litter, fertilizing and replacement of plants when necessary. The permittee shall provide a copy of all existing landscape plans to the Director for review.
19. The buildings constructed on the property may be used for the following purposes:
 - a. Offices for business and professional services;
 - b. Restaurants and cafés, including cocktail lounges;
 - c. Banks and similar financial institutions;
 - d. Post Offices;
 - e. Barber and beauty shops, confectionaries, travel agencies, dry cleaning agencies, stationers, and other retail establishments directed for use primarily by persons working on the site;
 - f. Medical, dental and optical facilities;
 - g. Food products dispensing machines;
 - h. Private clubs;
 - i. Hotels (provided, however, Developer shall obtain such zoning approvals as shall be required to permit hotel usage);
 - j. Electronics manufacturing, including without limitation the manufacture of:
 - i. Electrical and related parts;
 - ii. Small electrical appliances;
 - iii. Electrical devices;
 - iv. Motors;
 - v. Radios, televisions, and phonographs; and
 - vi. Printed circuits, including plating shops, etching, and photography
 - k. Instrument manufacturing, including without limitation the manufacture of the following instruments:
 - i. Electronic;
 - ii. Medical; and
 - iii. Precision
 - l. Manufacturing and fabrication of small office and related machinery;
 - m. Research and development laboratories and facilities, including without limitation the following laboratories and facilities:
 - i. Chemical
 - ii. Dental-medical;
 - iii. Optical;

- iv. Mechanical;
 - v. Electrical;
 - vi. Electronic;
 - vii. Physical;
 - viii. Environmental tests, including vibration analysis and cryogenics; and
 - ix. Aerospace and defense
- n. Research, development and manufacturing of aircraft or space craft and associated aerospace systems and components, including without limitations, the following uses which must be incidental to the research, development and manufacturing functions permitted in the existing ordinances for MPD zones.
 - o. Experimental laboratories, motion picture laboratories and testing laboratories;
 - p. Court buildings with appurtenant offices and facilities; and
 - q. Other uses commonly found in office, research, development and industrial business parks similar to the project.
- 20. No more that one-half of the site may be improved with buildings and structures (exclusive of parking structures) for the uses set forth above.
 - 21. Maximum floor area of the project shall not exceed 801,000 square feet of "floor area", as defined in existing ordinances.
 - 22. The Floor Area Ratio (FAR) for any parcel shall not exceed 4.5:1 and the average FAR for the entire site shall not exceed 1.2:1.
 - 23. Any building (excluding parking structures) built above the finish grade of the site shall be set back not less than 50 feet from the west curb of La Cienega Boulevard; landscaping shall be provided on the first twenty (20) feet of such setback if no portion of such frontage is dedicated for the widening of La Cienega Boulevard or on the first fifteen (15) feet of said setback if such dedication is required.
 - 24. Any structure built above the finish grade of the site shall be set back at least 70 feet from the property line of the site, wherever such property line is a common property line with residentially zoned property to the south and west of the site.
 - 25. Any structure built above the finish grade of the site shall be set back at least 50 feet from the nearest curb faces of Isis Avenue, 118th Street and Place and 119th Street and Place, except that at the cul-de-sac ends of 119th Street, 118th Street and 118th Place (the "Mitigated Sections"), the setback shall be at least 45 feet from the nearest curb face of such streets provided such lesser setback is mitigated by landscaping as provided in condition 32.

26. Maximum heights for any building shall be in conformity with the Height Zones defined in Exhibit 4A and 4B, as approved for Conditional Use Permit 87-060-(2). No building in Height Zone A shall exceed forty-five feet. No building in Height Zone C shall exceed one hundred fifty (150) feet. No building in Height Zone D shall exceed two hundred feet (200'). In the event that a building is built, part of one zone and part in another, the building may "staircase" but in no event may height zones be exceeded with the boundaries of the zone. Height shall be defined as the distance between the finish grade of the site and highest roof line of the building exclusive of the parapet, if any.
27. The Permittee shall provide not less than 3.0 parking spaces per 1,000 square feet of floor area for research and development, commercial, office and retail uses in the buildings. Parking for any other uses on the site shall conform to the requirements of the existing ordinances applicable to such uses. Parking may be provided by surface lots or by parking structures, or by a combination thereof, but no parking structure may be located within 350 feet of the southerly or southwesterly sides of the site.
28. Forty percent (40 %) of said parking spaces may consist of compact parking spaces. Each compact parking space shall measure at least seven feet six inches (7'-6") by fifteen feet (15'). Any sections of compact parking spaces on the site shall be fifty three (53) feet wide, with an aisle at least twenty three (23) feet wide between each row of parking spaces. Handicapped parking spaces shall be provided to the extent required by existing ordinances and shall measure nine feet (9') by eighteen feet (18'). All other parking spaces shall measure a minimum of eight feet four inches (8'-4") by eighteen feet (18').
29. The permittee shall maintain the gymnasium on-site for use by employees. The gymnasium shall be a minimum of 600 square feet and provide exercise equipment and showers/toilet facilities for both men and women. In addition, the permittee shall provide for outdoor picnic and other passive recreational uses.
30. Subsequent buildings shall be designed harmoniously with existing buildings. Harmoniously, as used herein shall mean having similar or conforming features, colors, treatments, etc., but does not mean duplicative or identical in form or style.
31. The permittee shall maintain a wall around the south and west facing sides of the site. Where the wall abuts residential property, it shall be eight (8) feet in height, straight in design, made of concrete block and topped with a decorative cap. Where the wall abuts public streets, it shall be of the same height and construction but shall be placed atop a two-foot earthen berm and shall be undulating or serpentine in design. The wall shall be landscaped as described in condition 32.
32. Landscaping pertaining to the perimeter wall described in condition 31 above, shall

include ground cover, shrubbery and vines on the parkway side of the wall and staggered groupings of trees located one tree for each 25 feet (on center) having an average 36-inch box size and a height of at least 14 feet. With respect to the wall, the building masses shall be screened by staggered groupings of trees, separated by 25 feet (on center), specimen size, having minimum height of 20 feet.

33. The permittee may install up to two (2) monument signs at the intersection of Pacific Concourse Drive and La Cienega Boulevard and at each of the other entrances to the site, up to two (2) monument signs each of the parcels created pursuant to Parcel Map 18568 and up to two (2) wall signs at the top of each building constructed on the site, such wall signs to be designed as an integral part of the architecture. Logos are preferred but names are permitted. All other signage shall conform to existing ordinances.
34. A day care center consisting of not less than 2,500 square feet of indoor space, plus appropriate outdoor play area shall be contained within the last phase to be constructed on the site and shall be considered as a part of the open space of the project. The day care center will be made available for lease and be suitable for tenant improvements no later than the completion date of the project. Developer may, at developer's option, provide alternative day care facilities of equivalent size or greater, within one half (1/2) mile of the site.
35. The applicant shall comply with all applicable mitigation measures from the Final Environmental Impact Report for Conditional Use Permit and Development Agreement 87-060 and Parcel Map 18568.

RJF:MBM

1/27/2005

CONDITIONS

CONDITIONAL USE PERMIT 03-139-(2)

1. This grant authorizes the construction, operation and maintenance of 430 apartment units and appurtenant facilities, including grading in excess of 100,000 cubic yards, and lot coverage of up to a maximum of 55%, as depicted on the approved Exhibit "A". The grant is subject to all of the following conditions of approval.
2. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of this grant.
3. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Department of Regional Planning their affidavit stating that they are aware of, and agree to accept, all of the conditions of this grant and that the conditions of the grant have been recorded as required by Condition No. 8, and until all required monies have been paid pursuant to Condition Nos. 9 and 10. Further, this grant shall not become effective unless and until the County of Los Angeles Board of Supervisors has adopted Plan Amendment Case No. 03-139 and Zone Change Case No. 03-139, and an ordinance effecting such change of zone has become effective.
4. The permittee shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitation period. The County shall notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay the Department of Regional Planning an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
 - a. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

- b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

The cost for collection and duplication of records and other related documents will be paid by the permittee in accordance with Los Angeles County Code Section 2.170.010.

6. This grant shall expire unless used within 2 years from the date of approval. A one-year time extension may be requested in writing with the payment of the applicable fee, at least six (6) months before the expiration date. This grant will be considered used, within the intent of this condition, upon the commencement of development upon the project site consisting of grading pursuant to an approved grading plan.
7. If any provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.
8. Prior to the use of this grant, the terms and conditions of the grant shall be recorded in the office of the County Recorder. In addition, upon any transfer of the subject property during the term of this grant, the permittee shall promptly provide a copy of the grant and its terms and conditions to the transferee of the subject property.
9. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Prior to the use of this grant, the permittee shall deposit with the County of Los Angeles the sum of **\$1,500.00**. These monies shall be placed in a performance fund that shall be used exclusively to compensate the Department of Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval, including adherence to development in accordance with the approved site plan on file. The fund provides for **(10) annual inspections of the site. Inspections shall be unannounced.**

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any condition of this grant, the permittee shall be financially responsible for and shall reimburse the Department of Regional Planning for all additional inspections and for any enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be the amount equal to the recovery cost at the time of payment (currently \$150.00 per inspection). If no violations are found during the inspection period, no additional inspection fees will be required.

10. Within fifteen (15) calendar days of the approval date of this grant, the permittee shall remit processing fees payable to the County of Los Angeles in connection with the filing and posting of a Notice of Determination in compliance with Section 21152 of the Public Resources Code. The project is not *de minimus* in its effect on fish and wildlife and is not exempt from payment of a fee to the California Department of Fish and Game pursuant to Section 711.4 of the Fish and Game Code. The current fee amount for a case where an EIR is required is **\$875.00**
11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission or a hearing officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or hearing officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public health or safety or so as to be a nuisance.
12. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless specifically modified by this grant, as set forth in these conditions or shown on the approved plans.
13. Upon approval of this grant, the permittee shall contact the Fire Prevention Bureau of the Los Angeles County Forester and Fire Warden to determine what facilities may be necessary to protect the property from fire hazard. Any necessary facilities shall be provided to the satisfaction of and within the time periods established by said Department.
14. All structures shall comply with the requirements of the Division of Building and Safety of the Los Angeles County Department of Public Works.
15. All structures, walls, and fences open to public view shall remain free of extraneous markings, drawings, or signage. These shall include any of the above that do not directly relate to the apartment complex or that do not provide pertinent information about the premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization. In the event such extraneous markings occur, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.
16. Within sixty (60) days of approval of this grant, the permittee shall submit to the Director for review and approval three copies of revised plans, similar to Exhibit "A" as presented at the public hearing, that depict the proposed fencing and gates between the subject property and the Courthouse. In the event that subsequent revised plans are submitted, the permittee shall submit three (3) copies of the proposed plans to the Director for review and approval. All revised

plans must be accompanied by the written authorization of the property owner.

17. Prior to issuance of a certificate of occupancy for the project, the permittee shall submit to the Director of Planning for approval three copies of sign elevations depicting any proposed permanent signs on the subject property. Signs shall be in conformance with Part 10 of Section 22.52 of the County Code.
18. Three copies of a landscape plan shall be submitted to and approved by the County Biologist and the Director of Planning before issuance of a building permit. The landscape plan shall show the size, type, and location of all plants, trees, and watering facilities. The landscape plan may be incorporated into the revised site plan required in condition 16. All required landscaping shall be continuously maintained in good condition, including proper pruning, weeding, removal or litter, fertilizing and replacement of plants when necessary.
19. The permittee shall comply with the attached Mitigation Monitoring Program. The applicant shall deposit the sum of **\$3,000** with the Department of Regional Planning to defray the cost of reviewing and verifying the information contained in the required mitigation monitoring reports. This deposit is due and payable within 30 days of the approval date of this grant.
20. Within one hundred eighty (180) days of approval of this grant, the permittee shall submit to the Director for review and approval a progress schedule which shall include all phases of development and indicate the sequence and time period within which the improvements described will be made.
21. Conditional Use Permit, Zone Change, and Variance cases 03-139-(2), Conditional Use Permit 04-114-(2), and the second amendment to Development Agreement 87-060, will not become effective until the Board of Supervisors of Los Angeles County approves and executes, as a legislative body or as owner of the Airport Courthouse located in the Pacific Concourse Business Park, the following documents and such documents are approved and executed by the business park owners and permittee as may be required:
 - a. Execution of the Second Amendment to Development Agreement 87-060-(2);
 - b. Execution of an amendment to the Deed and Easement Agreement dated April 11, 1997 and recorded as Instrument No. 97-6446657, releasing an ingress and egress easement to the parking structure and a right to construct above the parking structure, on the Airport Courthouse property, vacating all of easement parcel L, and vacating a 14 foot portion of easement parcels H and I;
 - c. Adoption of a resolution by the Board of Supervisors vacating the current

sewer easement for the Airport Courthouse shown on Parcel Map No. 18568;

- d. Adoption of a resolution by the Board of Supervisors setting aside County owned property for public sewer purposes to replace the sewer easement proposed to be vacated;
 - e. Execution by the County of Los Angeles and the other Business Park owners of an amendment to Amended and Restated Declaration of Protective Covenants originally recorded April 3, 1992 as Instrument No. 92-583077;
 - f. Execution of an agreement granting an easement for public sewer and utility purposes under Pacific Concourse Drive;
 - g. Execution of an agreement by the County of Los Angeles granting 2 house lateral sewer easements on the Airport Courthouse property for the benefit of the permittee; and
 - h. Approval of a resolution by the County of Los Angeles granting an easement for emergency ingress and egress over the driveway on the Airport courthouse property for the benefit of permittee.
22. The construction, operation and maintenance of the apartment complex is subject to all of the following conditions:
- a. The permittee shall maintain all areas of the premises in a neat and orderly fashion, free of litter and debris;
 - b. All new utilities provided for the apartment complex shall be underground;
 - c. Roof-top mechanical equipment such as air conditioning units shall be screened from pedestrian view;
 - d. The permittee, its successors and assigns, acknowledge that the Courthouse building and grounds are lighted on a daily and nightly basis for operational and security reasons and will fully disclose this fact to potential lessees in its lease agreements.
 - e. A minimum of 805 automobile parking spaces, of which 108 are reserved for guests, shall be provided and maintained pursuant to County Code Section 22.52.1180. The required parking shall be continuously available for vehicular parking only and shall not be used for storage, vehicle repair, or any other unauthorized use;

- f. The permittee shall post signage at appropriate locations in the Courthouse parking lot and at the entrance to the Courthouse parking structure adjacent to the project indicating "Courthouse Parking Only". Such signage shall be reviewed and approved by the Director of Planning prior to posting;
- g. The permittee shall erect a fence along the entire property line between the proposed project and the Courthouse property to discourage tenants and visitors, as well as Courthouse visitors and employees from crossing over and walking through either of the adjacent properties as a "short-cut". The fence shall have a number of locked gates at intervals to provide emergency egress;
- h. During construction, the permittee and its contractor shall comply with section 12.12.010 – 12.12.100 of the Los Angeles County Code regarding building construction noise;
- i. To reduce construction traffic, grading and construction equipment shall be stored on the project site while in use, to the extent feasible;
- j. If the site is graded and left undeveloped for over three weeks, the permittee shall employ various methods to inhibit dust generation including seeding, watering, spreading soil binders, and other dust suppression methods. Dust generated by Project construction shall be kept on-site through the use of dust control measures, including watering or sprinkling the site at least twice daily or as necessary, covering or watering exposed pits, erecting dust fences, tarping debris transport trucks, and/or other measures as appropriate;
- k. All improvements shall be completed prior to the final certificate of occupancy for the project;
- l. The permittee shall comply with the conditions of the County of Los Angeles Fire Department as outlined in their memorandum dated July 2, 2004 as follows:
 - i. Access and water system (fire flow and fire hydrants) requirements are addressed by the Department's Engineering Section. Contact Marion Jaikowski at the Department's Hawthorne Fire Prevention Office at (310)263-2732 regarding this project;
 - ii. Fire hydrant locations will be addressed by the Department's Engineering Section;
 - iii. Access requirements will be addressed by the Department's Engineering Section;

m. The permittee shall comply with the conditions of the County of Los Angeles Department of Public Works conditions as outlined in their memorandum dated March 31, 2004 as follows:

- i. Accurately portray the existing roadway conditions on La Cienega Boulevard. Existing driveways, lane widths, and median configurations shall clearly be illustrated;
- ii. The most northerly proposed driveway on La Cienega Boulevard near Building 2 shall be restricted to right-turn in and out with no median opening. The existing median may need to be reconstructed to the satisfaction of Public Works;
- iii. Show adequate sight distance for a 65 mph design speed (725 feet) on La Cienega Boulevard from the proposed driveway(s) to the subterranean parking structure to the satisfaction of Public Works. Also, provide adequate landing area on the driveway(s) at La Cienega Boulevard to the satisfaction of Public Works;
- iv. Comply with the following street lighting requirements to the satisfaction of Public Works:
 1. Submit street lighting layout plan showing existing street lights fronting this property on La Cienega Boulevard. Additional street lights on concrete poles with underground wiring may be required on La Cienega Boulevard along the property frontage. For additional information, please contact the Street Lighting Section at (626) 300-4726;
 2. If additional street lights are required, upon Conditional Use Permit approval, the permittee shall enter into a secured agreement with the County of Los Angeles for the installation of the street lights in the amount of \$27,000 or to the satisfaction of Public Works. The permittee shall comply with the conditions listed below in order for the Lighting Districts to pay for future operation and maintenance of street lights. The street lights shall be installed per approved plans prior to issuance of a Certificate of Occupancy;
 3. All street lights in the project, or the current phase of the project, must be constructed according to Public Works approved plans. The contractor shall submit one complete set of "as-built" plans. Provided the above conditions are met, and all street lights in the project or approved project phase have been energized, and the developer has requested a transfer of billing at least by

January 1 of the previous year, the Lighting District can assume responsibility for the operation and maintenance of the street lights by July 1 of any given year. The transfer of billing could be delayed one or more years if the above conditions are not met.

- v. Relocate the gate on the fire lane fronting La Cienega Boulevard a minimum of 50 feet beyond the right of way to allow for two vehicles to queue.
 - vi. Plant street trees on La Cienega Boulevard to the satisfaction of Public Works.
 - vii. Underground all new utility lines to the satisfaction of Public Works. Please contact Construction Division at (626) 458-3129 for new location of any above ground utility structure in the parkway;
 - viii. Provide signing and striping plans on La Cienega Boulevard along the property frontage and at the intersection of La Cienega Boulevard and Pacific Concourse Drive to the satisfaction of Public Works;
 - ix. Comply with the mitigation measures identified in the attached March 15, 2004 memorandum from the Traffic and Lighting Division to the satisfaction of Public Works.
- n. Prior to issuance of building permits the applicant shall pay all required library and school mitigation fees; and
- o. The permittee shall maintain a current contact name, address, and phone number on file with the Department of Regional Planning at all times.
23. The permittee shall cooperate with Pacific Concourse Business Park property owners, including any representative body, in efforts to manage on-site parking for the Courthouse in order to minimize overflow on-street parking within the Del Aire Neighborhood; provided, however, that any such cooperation shall not cause any shortage of parking for the residential uses permitted by this permit.
24. Upon issuance of a building permit, the permittee shall make a contribution to the Wiseburn School District in an amount not to exceed \$66,500 to purchase outdoor playground equipment for the day care center located at Juan de Anza Elementary School. The permittee shall provide verification to the Director of Planning at such time that this occurs.
25. The permittee shall contribute a total of \$75,000 to the Wiseburn School Educational Foundation to fund arts, cultural education and sports programs

within the Wiseburn School District as follows. Upon issuance of the first certificate of occupancy for the project, the permittee shall contribute \$25,000 to the Wiseburn School Educational Foundation. Thereafter, the permittee shall make annual contributions of \$25,000 for two years on the anniversary of the issuance of the first certificate of occupancy. The permittee shall provide verification to the Director of Planning at such time that this occurs.

26. The permittee shall contribute a total of \$30,000 to a trust fund specifically and exclusively used by the Wiseburn Library to incorporate and maintain extracurricular activities for children as follows. Upon issuance of the first certificate of occupancy for the project, the permittee shall contribute \$10,000 to the Wiseburn Library trust fund. Thereafter, the permittee shall make annual contributions of \$10,000 for two years on the anniversary of the issuance of the first certificate of occupancy. The permittee shall provide verification to the Director of Planning at such time that this occurs.
27. Upon acceptance of this grant by the permittee, the Director or his designee shall appoint members of a Community Benefits Committee. The Committee shall consist of seven members who will identify issues of community concern related to the development and operation of the Alexan Pacific Concourse (Conditional Use Permit No. 03-139-(2)) and who will allocate funds set aside by the permittee for the benefit of the community to address those issues. **Appointees shall be subject to confirmation by the Supervisor of the Second Supervisorial District if requested by the Director.**

The Committee shall be composed of persons who reside or own businesses in the vicinity of the project. At least three members shall reside in the vicinity of the project, two members shall own or operate businesses within the vicinity of the project, one member shall represent area schools, and one member shall represent the permittee. In addition, the Supervisor shall appoint a liaison between the Committee and the Director.

Upon issuance of a building permit, the permittee shall deposit a total of \$150,000 ("Neighborhood Benefits Fund") into an interest-bearing escrow account to be established by the County through the Director. Neighborhood Benefits Fund expenditures may be proposed by the Committee and must be approved by the Second Supervisorial District. Neighborhood Benefits Fund expenditures may be made for the following purposes:

- a. Traffic Concerns. The Committee may allocate funds to conduct a traffic study for the Del Aire neighborhood to identify potential traffic calming measures (such as signage, speed bumps and/or street closures), to improve existing medians adjacent to the Del Aire neighborhood, and to address planned or proposed openings of medians;

- b. Parking Concerns. The Committee may allocate funds to identify potential ways to address Del Aire neighborhood parking concerns, including permit parking and limitations on commercial and overnight parking;
- c. Neighborhood Security Concerns. The Committee may allocate funds to address neighborhood security concerns, including pedestrian access between the Pacific Concourse Business Park and the Del Aire neighborhood, release of prisoners from the Airport Courthouse, communication with the Sheriff's Department to address neighborhood security concerns, and private security patrol within the Del Aire neighborhood;
- d. Parks and Recreation / Day Care. The Committee may allocate funds to modernize Del Aire Park (such as landscaping improvements and equipment replacement or repair) and to support the Del Aire Park day care service. At least \$50,000 of the Neighborhood Benefits Fund shall be earmarked to modernize Del Aire Park.

For the first three years of this grant, the Committee shall meet at least on a semi-annual basis, designate a member to prepare and submit minutes to the Department, and keep a log of all expenditures. Meetings shall be conducted in accordance with generally accepted meeting protocol. The escrow instructions for the Neighborhood Benefits Fund shall provide that any funds not expended within three years following the establishment of the Fund shall be expended as instructed by the Director at the direction of the Second Supervisorial District. The Committee shall be dissolved as soon as all Neighborhood Benefits Funds have been expended.

Attachments:

County Fire Department letter dated July 2, 2004

Department of Public Works letters dated March 15 and 31, 2004

Mitigation Monitoring Program

RJF:MBM

2/7/2005

STAFF ANALYSIS

PROJECT NUMBER

03-139-(2) and 04-114-(2)

CASE NUMBERS

Conditional Use Permit/Zone Change Case/ Variance/Plan Amendment No. 03-139-(2), and

Conditional Use Permit/Development Agreement No. 04-114-(2)

PROJECT DESCRIPTION

The applicant is proposing the construction of a two building, 450-unit apartment complex with subterranean parking at a site currently located within the existing Del Aire (a.k.a. Pacific Concourse) Business Park ("Business Park"). The proposed structures have a maximum building height of approximately 60 feet, and would be built in four stories. The apartments would range in size from studios/one-bedroom units of approximately 600-930 square feet (266 units), 2-bedrooms of approximately 1,100 square feet (167 units) to 3-bedroom units of approximately 1,400 square feet (17 units) and would be configured around open space consisting of courtyards and private recreation areas containing pool and spa facilities. The apartments would be rented at market rates. Two driveways, one located off La Cienega Boulevard and another off Pacific Concourse Drive provide access to the two underground parking garages serving tenants and their guests. The garages would provide a total of 810 parking spaces (1.8 spaces per living unit).

The subject property is located along the eastern edge of the Business Park, along La Cienega Boulevard; south of the Los Angeles County Airport Courthouse and north of Pacific Concourse Drive. The subject property is located within the geographical area of a previously approved Business Park under project 87-060. This previously approved project has not been completely built out and the proposed apartment complex would constitute a change to the previously approved development concept of a business park.

Construction of the proposed residential project would involve several phases, including removal of existing landscape features (pond/fountain, lawn), excavation for the underground parking garages and construction of new buildings. These phases would occur over a 22- to 26-month period. It is estimated that approximately 161,000 cubic yards of soil would be excavated for the garages, most of which would be exported off-site over a 1-month period with an estimated 303 heavy truck trips per day. No import of fill would be necessary.

To enable the construction of the apartment complex the applicant is requesting the subject site be removed from the previous entitlement, (CUP 87-060) which authorizes the development of a 30-acre Business Park on this site. The existing Business Park currently consists of approximately 701,000 square feet of floor space, but was approved for 1.5 million square feet. The remainder of the Business Park would continue to operate under the amended 87-060 permit (the 5 acres would be subtracted). 100,000 square feet is proposed to be retained by the Business Park for potential future development and approximately 700,000 square feet of potential build-out would be relinquished in exchange for approval of the apartments.

An existing approved Development Agreement relating to the Business Park is also proposed to be amended as part of this application. Specific amendments include 1) a reduction in floor area under the existing CUP from 1.5 million square feet to 801,000 square feet; 2) removal of a requirement of a jogging path on the Business Park site; and 3) deletion of a day care center requirement, which required a facility be provided either on-site or within ½ mile of the Business Park as part of the last phase of the Business Park development. No concessions have been offered by the applicant.

ENTITLEMENTS REQUESTED

The applicant is requesting the following zoning entitlements:

Project 03-139-(2)

A General Plan Amendment to change the land use designation from High Density Residential to Low Density Residential on approximately 5 acres;

A Zone Change to change the existing MPD (Manufacturing Planned Development) zoning to RPD (Residential Planned Development) on the approximately 5 acres pursuant to Part 2 of Title 22 of the County Code;

A Conditional Use Permit to authorize the construction, operation and maintenance of a 450 unit apartment complex and appurtenant parking facilities in the proposed RPD zone; and

A Variance to authorize lot coverage up to 55% on the five acre site to accommodate the apartment development.

Project 04-114-(2)

A Conditional Use Permit to modify Conditional Use Permit 87-060-(2) (which governs the Business Park) to separate the five (5) acre site proposed for apartment development from the previously approved Business Park development; and

To amend *Development Agreement* 87-060-(2) to separate the five (5) acre site proposed for apartment development from the previously approved Business Park development. Removal of requirements for a jogging path, child care facility and a reduction in the square footage.

DESCRIPTION OF SUBJECT PROPERTY

The subject property is located along the west side of La Cienega Boulevard, south of 116th Street. The property is located within the unincorporated Los Angeles County area of Del Aire, and within the Del Aire Zoned District. The irregular shaped parcel is approximately 5 acres in size with level topography. Including .20 acres of existing easements for ingress and egress over adjacent land, the area to be zoned RPD contains more than five acres. The subject property is currently vacant with exception of a landscaping water feature. Access to the subject property is from La Cienega Boulevard and Pacific Concourse Drive to the east.

The Del Aire Business Park currently consists of 29.8 acres; the above described 5-acre site would be deducted from the Business Park acreage. The Business Park has previously been developed in three phases, and has three separate owners: Pacifica Capital Group, Diagnostics Products Corporation and the Los Angeles County Courthouse. A total of 701,000 square feet of court, office, warehousing, retail and light manufacturing has been built to date. 1,833 parking spaces are provided. Processing of this application requires the agreement of all current property owners.

Staff for the Los Angeles County Airport Land Use Commission has found that the proposed project site is not within the planning boundaries established by the Comprehensive Land Use Plan (CLUP). The subject site is approximately 1,500 feet outside the CLUP's southern planning boundary for the Los Angeles International Airport (see Appendix 1.0(B) of the DEIR for the comment letter dated February 3, 2004).

EXISTING ZONING

Subject Property

Current zoning on the subject property is MPD (Manufacturing Planned Development); the proposed zoning is RPD-90U (Residential Planned Development – maximum density of 90 units per acre).

Surrounding Properties

Surrounding zoning consists of:

City of Los Angeles to the north;

R-1 (single family residences) to the south;

MPD and the City of Hawthorne to the east; and

R-1 to the west

EXISTING LAND USES

Subject Property

The subject property is currently vacant except for landscaping, including a water feature (pond).

Surrounding land uses:

Los Angeles County Courthouse, Century (105) Freeway to the north;

An Office building, parking lot, single family residences to the south;

Parking, light industry, San Diego (405) Freeway to the east; and

Parking structure, office building, single-family residences to the west.

PREVIOUS CASES/ZONING HISTORY

Conditional Use Permit 87-060 (approved 11/25/87) Development Agreement 87-060 (adopted 1/12/88) and Parcel Map 18568 (recorded 12/23/88) established development standards, permitted uses, rentable floor space, and other restrictions for the development of the approximately 30-acre Del Aire Business Park. The findings adopted by the Regional Planning Commission for the approval of Del Aire Business Park determined that the project was considered urban infill and the development standards, use restrictions, and conditions of approval as set forth in CUP 87-060 would guide future site development in a manner ensuring compatibility with existing and anticipated land uses in the surrounding area. A Statement of Overriding Consideration for the unavoidable traffic impacts was adopted. The project was found to be consistent with the underlying Low Density Residential General Plan designation since land use patterns less than 50 acres in size are not depicted on the Land Use Policy Map and a consistency determination was found to be appropriate at the time.

As part of CUP and Development Agreement 87-060 the applicant was to provide an on-site jogging path and an on-site or off-site childcare facility.

Section 4.05.08 of the Development Agreement (CUP condition #29) requires:

“Developer shall provide active recreational uses on the site consisting of a jogging path not less than one-quarter mile in length and an indoor gymnasium of not less than 600 square feet including exercise equipment and shower and toilet facilities for men and women. The gymnasium shall be constructed as part of the final phase of the Project. In addition,

Developer shall provide for outdoor picnic and other passive recreational uses (including areas for card playing, checkers, chess playing etc.) in all phases of the Project.”

Section 4.07 of the Development Agreement (CUP condition #34) further required:

“A daycare center consisting of not less than 2,500 square feet of indoor space, plus appropriate outdoor play area, shall be contained within the last phase to be constructed on the Site and shall be considered as part of the open space of the Project. The day care center will be made available for lease and be suitable for tenant improvements no later than the completion date of the Project. Developer may at Developer’s option, provide alternate day care facilities of equivalent size or greater within one half mile of the Site.”

A gymnasium has been constructed and is available for Business Park employees. Passive recreational areas such as benches and tables are available within the Business Park. The jogging path is partially established on the subject 5-acre site and would need to be deleted in order to develop the apartment complex.

The applicant states that they have not yet reached the final phase of development when a day care facility was to be made available. However, the removal of the 5-acre site from the Business Park will leave no available space to develop such a facility on-site. The applicant has indicated that a 4,470 square foot day care facility was recently constructed within ¼ mile of the Business Park and has capacity available for future employees and/or residents. This facility was established independent of this CUP requirement. The applicants for this permit did not contribute to the construction of the day care facility.

The County Chief Administrative Office (CAO), Service Integration Branch, Office of Child Care has recently concluded that there are a sufficient number of child care facilities within close proximity to the Business Park (within 3 miles) and therefore does not recommend that a new additional facility be built within the Business Park. The Office identified 78 licensed child care centers and 312 licensed family child care homes within a 3 mile radius of the Business Park. In addition the Department of Public Social Services will shortly open the Hawthorne Center which will serve about 100 children.

The applicant is requesting that the Development Agreement be amended and conditions 29 and 34 of the current permit be deleted to remove the day care and jogging path requirements.

GENERAL PLAN

Land Use Policy Map and Consistency Analysis

The subject property is currently classified as Low Density Residential. The applicant is requesting a plan amendment to change the land use designation to High Density Residential.

The Low Density Residential classification identifies areas particularly suitable for small lot single family residences, twin homes, duplexes and townhouse development. The intent of this category is to encourage housing alternatives at densities ranging from six to twelve units per gross acre.

The High Density Residential areas are suitable for medium and high rise apartments and condominiums, three or more stories in height. The intent of this classification is to provide for high density residential development in appropriate locations, conveniently accessible to, or within multipurpose urban centers. Densities generally exceed 22 units per gross acre.

The proposed 450-unit apartment complex is consistent with the description for development within the High Density Residential classification. The buildings are proposed at four stories high and the site is located in an urban area close to transportation (Metro Green Line Aviation Station is less than a mile away, the 405 and 105 freeways are adjacent to the project) and employment opportunities. The proposed density for the project is 90 units per acre.

Housing Element

The County of Los Angeles General Plan Housing Element (adopted October 2001) examines specific housing needs for the County's population through extensive review of socio-economic data and assessment of existing housing stock and vacant land inventory. Currently a housing shortfall exists within the County, even after considering the available supply as estimated by the Housing Inventory.

Goal 1 of the Housing Element states the following housing need:

A wide range of housing types in sufficient quantity to meet the needs of current and future residents, particularly persons and households with special needs, including but not limited to lower-income households, senior citizens, and the homeless.

Development of the proposed apartments would contribute 450 dwelling units of rental housing that would help meet the housing demand. The proposed site is located within an urbanized area and within an existing business park. Essential transit services and employment exist in close proximity to the project. The site does not contain environmentally sensitive resources. Though the project will not provide low income housing, 450 needed residential units would be provided.

The proposed project can be found compatible with the goals and policies of the Housing Element.

SITE PLAN

General Description

The site plan depicts the approximately 5-acre irregular shaped parcel developed with the proposed 450-unit, approximately 60-foot high, four story apartment complex. The two buildings are configured around open space consisting of two pools and a spa. The 450,000 square foot complex consists of 266 studio/one-bedroom units of approximately 600-930 square feet, 167 2-bedroom units of approximately 1,100 square feet and 17 three-bedroom units of approximately 1,400 square feet. The site plan incorporates landscaped set backs along the perimeter of the property. Two subterranean parking garages containing a total of 810 parking spaces are accessed from La Cienega Blvd. to the east via a 24-foot driveway and via a 44- foot driveway from Pacific Concourse Drive.

COMPLIANCE WITH APPLICABLE ZONING STANDARDS

It is the intent of planned residential development to promote residential amenities beyond those expected under conventional development, to achieve greater flexibility in design, to encourage well planned neighborhoods through creative and imaginative planning as a unit, and to provide for appropriate use of land which is sufficiently unique in its physical characteristics or other circumstances to warrant special methods of development.

As the applicant is requesting a change of zone from MPD to RPD, the proposed apartment complex shall comply with the following required development standards pursuant to Section 22.20.460 (RPD zone) of the County Code:

Area

The proposed development plan shall include, as a condition of use, a parcel of land containing not less than five acres.

Compliance: The subject property is 5 acres in size and thereby complies with the area requirement.

Density

When property in Zone RPD is developed pursuant to subsection (B) of Code Section 22.20.460, the number of units for each acre of net area shall be equal to the number preceding the letter "U" in the suffix to the zoning symbol.

Compliance: The applicant is requesting a change in zone from MPD to RPD. The new zoning designation will be RPD-90U, limiting the density to 90 units/acre.

Utilities

The applicant shall submit to the Commission, and it shall be made a condition of approval, satisfactory evidence that the applicant has made arrangements with the

serving utilities to install underground all new facilities necessary to furnish service in the development. This requirement may be waived where it would cause undue hardship or an unreasonable requirement.

Compliance: The applicant has indicated that all new utilities will be underground and thereby comply with this requirement. If approved, this requirement will become a condition of approval.

Development Schedule

The Commission shall approve a progress schedule indicating the development of open-space related to the construction of residential dwelling units, which shall become a condition of approval.

Compliance: The open space for the proposed apartments is located within courtyards surrounded by the apartment complex and will therefore be provided simultaneously with the construction of the apartments. If approved, the Development Schedule requirement will be included as a condition of approval.

Parking

Pursuant to Section 22.20.460 (B)(6) of the County Code, there shall be parking facilities adequate to prevent traffic congestion and excessive on-street parking; provided, however, in no event shall less than one covered parking space per dwelling unit be provided.

Pursuant to condition No. 27 of CUP 87-060, the permittee shall provide not less than three (3) parking spaces per 1,000 square feet of floor area for research, and development, commercial, office and retail uses in the buildings. Parking for any other uses on the site shall conform to the requirements of the existing ordinances applicable to such uses.

Compliance: The proposed development, with the recommended conditions, will comply with the above stated parking requirements. A total of 810 parking spaces, or an average of 1.8 stall/unit, will be provided. Based on the applicant's experience from previous, similar developments this is an appropriate number of parking spaces to accommodate tenants and their guests. The proposed parking arrangement meets County Code requirements for parking.

Construction of the residential project would not affect the existing parking within the Business Park, as the 5-acre site is presently undeveloped and not used for parking.

The nearby Courthouse provides parking on a pay-to-park basis, with spaces provided both in a parking structure and with an additional 34 metered surface parking spaces north of the 5-acre parcel. Since the apartment complex will provide free parking to residents and their guests, it is not anticipated that residents or guests would utilize Courthouse parking. The applicant has, however, agreed to post signs indicating "Courthouse parking only" for the 34 metered spaces.

The Business Park is presently developed with a total of 701,000 square feet of court, office, warehousing, retail and light manufacturing uses with 1,833 parking spaces provided; this is an average of 2.61 spaces/1,000 square feet. The Business Park can be found in compliance with CUP 87-060.

USE	NO. PARKING SPACES
Apartment Complex	810
Courthouse	575
Office/Research/Warehousing	1,258
Total	2,643

Yard Requirements/Lot Coverage

Pursuant to Section 22.20.460 (B)(5) of County Code, the maximum allowed lot coverage in zone RPD is 50% of the net area of a lot, except that common recreational buildings are excluded from this building coverage limitation. There are no requirements for yard setbacks. Pursuant to Section 22.20.460 (B)(4) of County Code, open space shall comprise not less than 30 percent of the net area; provided however, that where the applicant submits evidence to the satisfaction of the Commission that the particular development will contain compensatory characteristics within the intent of the planned unit development, the Commission may modify said requirement.

Compliance: The applicant is requesting a variance to allow lot coverage of up to 55%.

The proposed total open space area is 69,146 square feet, or approximately 31.8% of the 5-acre total area. This meets the open space criteria. Calculations include courtyards, paths, perimeters and the interior fire lane as part of the open space.

Existing development on the site precludes the applicant from meeting lot coverage requirements.

Landscaping

A plan for landscaping all open area, where appropriate, shall be submitted to and approved by the Commission for the proposed apartment complex.

The total landscaping for the Business Park will be reduced as the parcel proposed for the apartment complex is currently part of its landscaping. A small lake, lawn, a portion of jogging path, and other plantings would need to be removed. Condition 16 of CUP 87-060 indicates that a minimum of 10% of the site shall be landscaped; a minimum of 2% of the parking areas shall be landscaped.

Compliance: The applicant shall, as a condition of approval, submit a detailed landscaping plan showing the location and types of plants and irrigation system for the apartment complex.

The Revised Exhibit "A" for the Business Park replacement CUP (04-114) shall indicate the percentage of landscaping provided for the Business Park. As a portion of the Business Park mainly used for landscaping is being removed, staff anticipates that the total percentage of landscaping required for the Business Park may need to be adjusted in the new conditions of approval.

Signage

The applicant has not submitted signage plans at this time. As a condition of approval, the applicant will be required to submit to the Director for approval three copies of dimensioned sign elevations for all proposed signs, if any, on the subject property. Proposed signs shall be developed in accordance with Part 10 of Chapter 22.52 of the County Code.

CURRENT ENTITLEMENT

Pursuant to the existing Conditional Use Permit and Development Agreement 87-060 the proposed 5-acre site may be developed with 720,000 gross square feet of additional office space, or similar use, as permitted under the existing approvals. For such office use of the site approximately 2,160 parking spaces would have to be provided on-site, pursuant to condition 8 (g) of CUP 87-060. The maximum height for any structure would be 200 feet.

PROPOSED OPERATION

The proposed residential project is planned on 5 acres of vacant land within the Del Aire Business Park and is not immediately adjacent to a residential community; the County courthouse to the north and its adjacent parking structure are the immediate neighbors to the apartment complex. The Business Park is separated from nearby residential uses by a landscaped wall and berm combination with no points of entry located off the residential streets (cul-de-sacs). The construction of the proposed apartment complex would reduce the floor area of commercial office space permitted within the Business Park while retaining existing points of ingress and egress. Access to the underground parking garage proposed for the apartments does not require residents to travel through the nearby residential community.

Rents within the proposed apartment project would range from \$1,411 for a studio to \$3,285 per month for three-bedroom units.

The Business Park is mainly built out, with the exception of the subject 5-acre parcel and 800,000 square feet of office space that remains from the 1.5 million square foot entitlement (87-060). The proposed residential project would replace approximately 700,000 square feet of the available 800,000 square feet of commercial office space

with 450,000 square feet of residential development. The Business Park will retain 100,000 square feet for an undetermined future use.

The CAO has requested that condition 18 and the corresponding Section 4.05.01 of the Development Agreement (87-060) be amended to include the Courthouse as a permitted use for the Business Park. A court house is currently not specifically included in the listing of permitted uses. In addition, the CAO is requesting that mitigation measures be included in the new entitlement to prevent vehicular and pedestrian “cut-through” traffic through the Courthouse property and potential use of Courthouse parking by project visitors and guests, and also, that the Courthouse building and grounds be allowed to maintain lights on at all times. The applicant would need to design and operate the apartment complex so that this lighting would not interfere with the tenants, should the request be granted.

BURDENS OF PROOF

Conditional Use Permit Burden of Proof

Per section 22.56.040 of the zoning code, the applicant shall substantiate to the satisfaction of the Planning Commission, the following facts:

- A. That the requested use at the location proposed will not:
 - 1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or
 - 2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or
 - 3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.
- B. That the proposed site is adequately served:
 - 1. By highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and
 - 2. By other public or private service facilities as are required.

The applicant's responses are provided as an attachment to this report.

Zone Change Burden of Proof

Pursuant to Los Angeles County Code Section 22.16.110, the applicant must meet the burden of proof requirements for a zone change.

- A. Modified conditions warrant a revision in the zoning plan as it pertains to the area or district under consideration;
- B. A need for the proposed zone classification exists within such area or district ;
- C. The particular property under consideration is a proper location for said zone classification within such area of district;
- D. Placement of the proposed zone at such location will be in the interest of public health, safety and general welfare, and in conformity with good zoning practice;

The applicant's responses are provided as an attachment to this report.

Variance Burden of Proof

Pursuant to Los Angeles County Code Section 22.56.290, the applicant must meet the burden of proof requirements for a Variance.

- A. That there are special circumstances or exceptional characteristics applicable to the property involved, such as size, shape, topography, location or surroundings, which are not generally applicable to other properties in the same vicinity and under identical zoning classification; and
- B. That such variance is necessary for the preservation of a substantial property right of the applicant such as that possessed by owners of other property in the same vicinity and zone; and
- C. That the granting of the variance will not be materially detrimental to the public welfare or be injurious to other property or improvements in the same vicinity and zone

The applicant's responses are provided as an attachment to this report.

General Plan Amendment Burden of Proof

A need for the proposed General Plan Amendment exists because:

The particular amendment proposed is appropriate and proper;

Modified conditions warrant a revision to the County of Los Angeles Local Plan;

Approval of the proposed General Plan Amendment will be in the interest of public health, safety, and general welfare and in conformity with good planning practices.

The applicant's responses are provided as an attachment to this report.

ENVIRONMENTAL DOCUMENTATION

A Supplemental Draft Environmental Impact Report (DEIR) was prepared for the proposed project. The following potential impacts were identified: traffic and circulation, air quality, noise, and school and recreation. After the mandatory 45-day public review period and a comment period for county departments, the DEIR concluded that the potentially significant impacts can be mitigated by the measures presented in the DEIR to a less than significant level for the residential project, with exception of air quality impacts during the construction phase and cumulative traffic impacts in conjunction with the operation of the business park and apartment complex, which would remain unavoidably significant. A Statement of Overriding Consideration for the traffic impacts was adopted for CUP 87-060. While the traffic analysis does not indicate that the proposed residential project by itself would contribute toward a significant project impact, when considered in the greater context of the larger Del Aire Business Park it is necessary for the Regional Planning Commission to restate the traffic findings as they pertain to the cumulative effects of the Business Park as a whole pursuant to CEQA §15163.

Compliance with the Mitigation Monitoring Program in Table ES-1 of the DEIR (see attached) shall be required as a condition of approval for the subject permits. The following is a summary of the issues (traffic & circulation, noise, air quality, schools, and recreation) addressed in the DEIR:

Impact	Cause of Impact	Mitigation
Traffic	<p>Construction trucks may temporarily affect traffic flow.</p> <p>Cumulative impacts in conjunction with the Business Park.</p>	<p>A traffic control plan is recommended as part of the proposed mitigation measures.</p> <p>The applicant will pay a fair share towards improvements to eastbound and westbound traffic lanes within the City of El Segundo.</p> <p>A statement of overriding considerations would need to be restated for the cumulative impacts of the residential development and the Del Aire Business Park.</p>
Noise	<p>Construction and operational noise impacts were determined less than significant. Ambient noise levels on site were slightly above the General Plan Standards.</p> <p>The project is located outside the 65dB (A) CNEL aircraft noise contour for LAX through the year 2015 under any of the Master Plan Alternatives presently under consideration by the LAWA.</p>	<p>Dual paned windows will be part of all residential units.</p>
Air Quality	<p>Unavoidably Significant Construction Impacts</p>	<p>A fugitive dust control plan shall be approved by the SCAQMD prior to issuance of grading permits. Machinery shall be kept in good repair and electricity shall be used from adjacent poles when feasible, rather than diesel generators.</p> <p>A Statement of Overriding Considerations needed for unavoidable construction impacts</p>
School and Recreation	<p>Less than significant impacts.</p>	<p>The applicant would pay developer fees to the School Districts to cover the incremental increase in students.</p> <p>As the Business Park and the proposed apartments both provide recreational facilities on-site (a 2,500 square foot gymnasium at the business park and a gymnasium and pool/spa at the apartment complex) the impact on County facilities would be below significant levels.</p>

COUNTY DEPARTMENT COMMENTS

County of Los Angeles Department of Public Works

Comments from the Department of Public Works dated March 31, 2004 have been included as an attachment to this report.

County of Los Angeles Fire Department

Comments from the Fire Department dated July 2, 2004 have been included as an attachment to this report.

Chief Administrative Office

The CAO is requesting that the Courthouse be specifically included in the listing of permitted uses for case 04-114, and that concerns over the interaction between the Courthouse property and the residential development be addressed in the new conditions of approval and Development Agreement. Comments from the CAO dated August 19, 2004 (with attachments) have been included as an attachment to this report.

PUBLIC COMMENTS

Staff has received 9 letters of support and 49 letters and a petition with 152 signatures in opposition to the proposed project. The letters and petition are provided as an attachment to this report.

LEGAL NOTIFICATION /COMMUNITY OUTREACH

On July 15, 2004, 173 hearing notices were sent to property owners within a 500-foot radius of the Del Aire Business Park. The Community Development Commission and the Department of Public Works (building and safety and road unit) were also notified of the public hearing. Legal advertisements were published in The Daily Breeze and La Opinion newspapers on July 15, 2004.

Case related materials (factual, hearing notice, and burden of proof statements) were sent to the Lennox, Hawthorne and Wiseburn libraries on July 15, 2004 and also posted on the Department of Regional Planning's web site (<http://planning.co.la.ca.us>). The Draft EIR was available for review at the above-stated libraries June 29, 2004.

In addition to the September 1, 2004 initial public hearing, a community public hearing is scheduled for 6 p.m., September 20, 2004. The community hearing will be held at the Juan de Anza Elementary School located at 5234 W. 120th Street, Hawthorne CA, 90250.

STAFF EVALUATION

The applicant is proposing to develop a vacant, approximately 5-acre property with a 450 unit apartment complex. The apartment complex would be located immediately adjacent to the Los Angeles County Courthouse at the eastern edge of the Del Aire

Business Park. The apartment complex would operate under separate entitlement and would not be a part of the Business Park.

Though none of the units will be allocated as affordable, the project would provide the County with much needed housing. The project can be found compatible with the Countywide General Plan.

The residential project will comply with the development standards of the proposed RPD-90U zone, subject to the proposed draft conditions (with exception to lot coverage). Existing development on the site precludes the applicant from meeting the lot coverage requirement.

Based on the information provided by the Office of Child Care of the CAO's Service Integration Branch, sufficient child care facilities exist in this area. Staff feels this information is sufficient and recommends that condition 34, requiring provision of day care be deleted.

The jogging path required by condition 29 appears to be partially located on the 5-acre subject property, and would therefore no longer be available once construction of the proposed project begins. The Business Park, however, has provided a 2,500 square foot gymnasium for the employees. As the Business Park provides amenities including water features and landscaping on the remaining open space areas, a formal jogging path may not be necessary.

The environmental review (DEIR) identified traffic, noise, air quality and public services as potential impacts. The mitigation measures combined with the conditions of approval address most impacts. However, a Statement of Overriding Considerations will need to be adopted for the cumulative traffic impacts and air quality impacts during construction, which remain unavoidable and significant, even with the proposed mitigation measures. The applicant will need to demonstrate to the Commission the reasons for which an Overriding Consideration can be made pursuant to CEQA requirements in order to approve the project.

Staff finds that the applicant meets the burdens of proof for the General Plan Amendment, Zone Change, Variance and Conditional Use Permits

FEES/DEPOSITS

If approved as recommended by staff, the following fees/deposits will apply:

Fish & Game:

An EIR was required. Therefore, an \$850 Fish and Game fee and a \$25 document handling fee must be paid. Total fees due: **\$875**. The fees will be required prior to the final approval date of the permit.

Zoning Enforcement:

A cost recovery deposit of **\$1,500** to cover the costs of 10 recommended annual zoning enforcement inspections for the apartment complex; **\$1,500** for 10 biennial (every other year) inspections for the business park. Additional funds would be required if violations are found on the property.

Mitigation Monitoring

A cost recovery deposit of **\$3,000** to cover the costs of staff review of the required mitigation monitoring reports.

Library fees

The current County Library Developer Fee for Area 6 is \$671 per dwelling unit for a total of **\$301,950** payable to the County librarian.

STAFF RECOMMENDATION

Approval

The following recommendation is made prior to the public hearing and is subject to change based upon testimony and/or documentary evidence presented at the public hearing.

Staff recommends **APPROVAL** of Zone Change, Plan Amendment, Variance and Conditional Use Permit 03-139-(2), and Conditional Use Permit & Development Agreement 04-114-(2) subject to the attached conditions and development agreement.

SUGGESTED MOTION

I move that the Regional Planning Commission indicate its intent to approve General Plan Amendment, Zone Change, Variance, and Conditional Use Permit 03-139-(2), and Conditional Use Permit and Development Agreement 04-114-(2) and instruct staff to prepare the final environmental documentation, findings and conditions for approval as instructed.

Attachments:

Copy of Thomas Guide Map
Draft Conditions
Burden of Proofs
Correspondence
Site Plan

RJF:MBM
3/8/2005



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



James E. Hartl, AICP
Director of Planning

April 20, 2005

TO: Supervisor Gloria Molina, Chair
Supervisor Yvonne B. Burke
Supervisor Zev Yaroslavsky
Supervisor Don Knabe
Supervisor Michael D. Antonovich

FROM: Frank Meneses, Administrator 
Department of Regional Planning

SUBJECT: **RESPONSE TO BOARD ON
CONDITIONAL USE PERMIT CASE NO. 03-139-(2)
PLAN AMENDMENT CASE NO. 03-139-(2)
ZONE CHANGE CASE NO. 03-139-(2)
VARIANCE CASE NO. 03-139-(2)
AMENDMENT TO DEVELOPMENT AGREEMENT 87-060-(2)
CONDITIONAL USE PERMIT CASE NO. 04-114-(2)
(Motion of March 22, 2005 – Syn. #13)**

On March 22, 2005 Supervisor Burke made a motion for staff to report back to the Board on several issues related to the above-stated cases. The following is a joint reply from the Department of Regional Planning together with the Chief Administrative Office (CAO), County Counsel and Public Works.

Item #1: Bring back to the Board for consideration a construction mitigation plan addressing issues raised by the Del Aire residents and tenants of the business park.

A revised Construction Mitigation Plan is included as an attachment to this report. The Plan includes mitigation measures developed by the Departments of Public Works and Regional Planning, as well as the applicant, requested by Del Aire residents and business park owners.

Item #2: Report on when the 28 additional metered parking spaces for La Cienega will be installed.

As of March 28, 2005, the Department of Public Works has installed 33 marked and 6 additional unmarked parking spaces along La Cienega Boulevard at the County Courthouse. The marked parking spaces north of Pacific Concourse Drive are restricted to two hours; the spaces south of Pacific Concourse Drive to 120th Street are limited to four hour parking. Parking time is enforced between 7:30 a.m. and 5:30 p.m., Monday through Friday. None of the spaces are metered.

Item #3: Report on additional efforts by the Applicant to further resolve issues with neighbors and their concerns at today's hearing.

The applicant reports that they have continued their outreach to local residents in a number of ways: By addressing the concerns of Business Park owners regarding construction impacts, signage, and landscaping; through discussions with several community organizations in addressing community needs; and in discussions with the City of Hawthorne to resolve concerns expressed to the Regional Planning Commission and the Board.

Item #4: Return with further documentation from County Counsel, CAO, and Public Works regarding easements and development agreement changes.

Development Agreement Changes

The parties, other than the County as regulator, have agreed to the terms of a Second Amendment to the Development Agreement, except as to the issues of completion of the light rail interface (i.e. a path from the business park to off-site) and signage at the entrance to Pacific Concourse Drive. TCR and GRE Pacific L.P., owner of Phase I, want to include a reference in the Second Amendment that the light rail interface requirement has been met. In practicality, it has not been met as the interface does not carry through to the property line and is now fenced off. The County as owner of the Airport Courthouse and representing the Superior Court, does not want to address this issue at this time and wants the condition to remain as-is, so that at a later time the interface with the light rail can be completed and opened to the public. In addition, the residential plan for Phase IV does not accommodate signage for the business park as desired by the owners of Phases I and II, which issue needs to be resolved between Regional Planning and the parties. Finally, it is in the best interest of the County to ensure that the residential development can be accomplished before changing the zoning and general plan from its current commercial designation, so that all agreements, including easement vacations and granting, amendments of the Deed and Easement Agreement, Declaration of Protective Covenants, and the Leases securing the Bond financing on the Airport Courthouse Property, must be approved by all parties to those agreements prior to the effectiveness of the Second Amendment to the Development Agreement and the entitlements.

The parties have agreed to the following amendments to the Development Agreement: definition of Developer as the current owners of Phases I, II and III as to the portions of the site in which each has an ownership interest; removal of the child care requirement, removal of the requirement that 10% of the Business Park Site be landscaped; removal of the requirement for a gym; acknowledgement that the recreational facilities requirements have been met; addition of court buildings and appurtenant offices and facilities to the list of property uses; and the reduction in maximum floor area to 801,000 square feet.

Easements

The CAO reports that easements to be vacated and released in favor of the applicant for surface drainage and/or storm drains are still pending clarification from the applicant. Other items still pending finalization include easements to be vacated and released in favor of the County by the applicant in exchange for the above easement grants and vacations, (i.e. parking garage easement giving the right to construct additional levels of parking onto the Courthouse parking structure; and two ingress and egress easements crossing over the Courthouse driveway). Also pending are further dedications and related legal descriptions and maps related to the replacement and realignment of a public sewer easement, a dedication of a 10-foot wide portion of the applicant's property within Pacific Concourse Drive, and reconstruction of the realigned sewer mainline.

In addition Supervisor Burke in her motion instructed County Counsel to report back on The Century Freeway Consent Decree and the procedure for converting apartments to condominiums.

Century Freeway Consent Decree

Claims were asserted at the public hearing that the proposed project would violate the consent decree ("Consent Decree") entered into to settle the Keith v. Volpe litigation concerning the Century Freeway (the "Litigation"). In this regard, reference was made to a section of the 1988 development agreement explaining that the office park implements a provision in the Consent Decree which states that economic development should be a priority in determining how excess vacant land is used near the Century Freeway.

County Counsel has reviewed the claims made at the public hearing and concludes that they have no merit. The Litigation was filed in 1972 to enjoin construction of the Century Freeway under certain federal and state environmental protection statutes intended to protect the environment and the homeowners, tenants and businesses forced to relocate due to the Freeway construction. Defendants in the Litigation included a number of state and federal officials and agencies. The County was not a party to the Litigation.

In 1979, the parties entered into the Consent Decree to settle the Litigation, which was amended several times since that time. The current operative version of the Consent Decree is dated April 1997. The Consent Decree allowed the Century Freeway to be constructed. It also required, among other things, that replacement housing be made available for those individuals and businesses displaced by the Freeway, and that employment opportunities generated by the Freeway construction benefit the communities economically impacted by the project.

County Counsel concludes that the Consent Decree does not prohibit the Board from approving the proposed project. The County is not a party to the Consent Decree and is not governed by its terms. Moreover, the Consent Decree has no prohibition on residential

development of any kind. In addition, Century Housing, a non-profit corporation charged with implementing the Consent Decree, has issued a letter to County Counsel, attached hereto, indicating that the Consent Decree places no restriction on this project.

Condominium Conversion

Several potential procedures and requirements may be applicable if the applicant converts this project into a condominium project.

Both State law and the County Code define "subdivision" to include a condominium project. Accordingly, the applicant would need to comply with Title 21 of the County Code governing subdivisions and would thereby need to apply for and obtain a parcel map (County Code Section 21.16.020). This process may involve an environmental review to supplement and/or modify the Supplemental Environmental Impact Report relied on for the present project.

In addition, the applicant would be required to obtain either a Conditional Use Permit ("CUP") or approval of an exhibit map showing the location of the building and access thereto on the project site (County Code Section 21.16.010). The CUP for the present project could potentially be used for this purpose, but would likely require some modification.

Furthermore, condominium and apartment projects have different parking requirements. Condominiums are treated like single-family residences for parking purposes and thus require two covered parking spaces per unit (County Code Section 22.52.1180). Conversely, the parking requirements for an apartment building vary depending on the number of bedrooms in each unit. Each studio unit requires one covered parking space, a one-bedroom apartment requires 1.5 covered parking spaces per unit; each apartment with two or more bedrooms requires 1.5 covered and .5 uncovered parking spaces per unit (County Code Section 22.52.1180). In addition one guest parking space for every four dwelling units is required.

The present project has 56 studio units, 215 one-bedroom units, 149 two-bedroom units, and 10 three-bedroom units, thus requiring 805 parking spaces to comply with the above standard. The applicant proposes 805 parking spaces to be built, and therefore complies with the requirement. If the project were converted into condominiums, the current number of 805 parking spaces appears would be insufficient depending on the number of condominium units proposed. Under these circumstances, the applicant may need to address the parking issue and possibly apply for a discretionary parking permit for approval of a reduced number of parking spaces at the site (County Code Sections 22.56.990 et seq). The burden of proof for such an approval would rest with the applicant.

Chapter 8.48 of the County Code imposes a number of tenant-related requirements on property owners who convert rental units to condominiums. These requirements include

providing written notice to tenants that the owner intends to convert the units to condominiums, and providing relocation assistance to those tenants displaced by the conversion. In the present context, if the applicant converts the apartment complex into condominiums after the facility is constructed and tenants are residing in the building, the applicant would need to comply with these tenant-related protections.

Finally, the Fire Department and the Department of Public Works have indicated that they may impose requirements or conditions on a condominium project which differ from an apartment project. The applicant would be required to consult these departments for any such changed requirements and implement them accordingly.

Attachments: Construction Mitigation Plan
Letter from Century Housing (consent decree), dated April 6, 2005
Second Amendment to Development Agreement

JEH:FM:RJF:MBM

c: Chief Administrative Officer
Director, Department of Public Works
County Counsel
Executive Officer, Board of Supervisors

CONSTRUCTION MITIGATION PLAN
Conditional Use Permit 03-139-(2)

This Construction Mitigation Plan (the "Plan") has been prepared pursuant to Condition No. 28 of Conditional Use Permit No. 03-139-(2) allowing the development of the Alexan Pacific Concourse residential project located within the Pacific Concourse Business Park(the "Project"). This Plan shall apply during all construction phases of the Project.

1. CONTACTS

OWNER: _____

CONTRACTOR: _____

ON-SITE CONSTRUCTION MANAGER: _____

ARCHITECT: _____

2. CONSTRUCTION MEASURES

a. Telephone Hotline

The Owner shall provide a "hotline" telephone number of a responsible person to take inquiries and complaints during construction hours regarding construction activities and construction personnel, if any. The hotline number shall be set forth in a sign legible from a distance of fifty (50) feet posted at the construction site. A log shall be kept of all inquiries and complaints, and the resolution of any complaints. The hotline shall be manned with live personnel during normal business hours (e.g., Monday – Friday, 9:00 a.m. through 5:00 p.m.) and shall have an answering machine or service for calls received at any time in which live personnel shall not be available. The Owner shall distribute on a monthly basis to the Business Park Owners (as defined below) copies of the log for the previous month with a summary of any issues which have not been resolved to the satisfaction of the calling party. In the event that any calling party identifies a complaint as urgent or which could reasonably result in injury to persons or property, then the Owner shall cause said call to be returned and the issue addressed within one (1) business day from the time of the call received.

b. Notice of Disruption of Business Park Utilities

Based on current available information (but subject to the provisions hereof), the Owner anticipates the following potential disruptions in utility service during the course of construction:

Utility	Number of Disruptions	Average Length of Disruptions	Buildings Potentially Affected
Electric			
Sewer			
Water			
Gas			
Communications Lines			

During the course of construction, the Owner will notify the permittees of Conditional Use Permit 04-114 (the "Business Park Owners") in writing at least ten (10) business days prior to removing, altering, or constructing any pipes, wires, poles, lines, or other equipment, facilities, or improvements which may interfere with any utility service within the other buildings in the Business Park. The Owner shall work with Business Park Owners to accommodate any reasonable requests to reschedule disruptions. The Owner covenants that under no circumstances shall any utility disruptions occur during the hours of 6:00 a.m. to 6:00 p.m., Monday through Friday (except holidays). The Owner further acknowledges that any disruption of electrical power will materially adversely affect the business operations of the Business Park Owners. Accordingly, the Owner shall not take any steps which could cause an interruption in electrical power to any Business Park Owner's real property unless and until the affected Business Park Owner(s) has agreed in writing to said interruption and the schedule and duration of same.

c. Courthouse Driveway, Parking Structure Access and "Leased Areas"

The Owner shall seek from the County a lease, license or permit to enter: (a) six (6) parking spaces currently used by law enforcement; (ii) twenty-two (22) metered parking spaces for use on weekends and holidays only; and (iii) portions of the adjacent grassy parkway areas, excluding the County flag pole area (collectively the "Leased Areas")(See Exhibit A). An unobstructed twenty-eight (28) foot driveway shall be maintained at all times for emergency access along the length of the Courthouse driveway.

In exchange for the six parking spaces currently used by law enforcement, the Owner will first coordinate with the County of Los Angeles Department of Public Works to reserve six temporary spaces on La Cienega for law enforcement.

The Owner shall ensure that the County flag pole remains accessible at all times. The Owner shall ensure that any fire hydrants within the Leased Areas remain accessible in case of emergencies. In the event the fire hydrant is accessed for construction purposes, the Owner shall install a meter and pay for any water usage in addition to complying with any fire department or other applicable requirements.

Only the Leased Areas shall be used for construction purposes. Construction vehicles and personnel will not use any of the non-leased areas, and the Owner shall cause all such areas to be kept clear at all times.

If the Owner does not obtain a lease, license or permit to use any of the Leased Areas, the Owner covenants that construction vehicles and personnel will not use any portion of the Courthouse driveway, unless otherwise authorized in writing by the County.

Notwithstanding anything to the contrary in this Plan, or elsewhere, the Owner will require access to the Courthouse driveway in order to realign the sewer. During construction, including without limitation the subject realignment, the Owner will not prevent use of the driveway or prevent reasonable access to the Courthouse parking structure during business hours, defined as Monday through Friday (except holidays), 7:00 a.m. to 6:00 p.m. The Owner covenants that the duration of said realignment shall not exceed ____ (___) days in total. The Owner shall notify the County at least ten (10) business days in advance of the commencement or re-commencement of said alignment and shall provide for alternative access to the County Courthouse during the period of such realignment for County employees (including judicial personnel) and invitees who require access to the County Courthouse at times other than the business hours described above.

The Owner shall ensure and agrees that construction shall not interfere with emergency access to or within the Business Park at any time or in any way.

The Owner shall provide flagmen to direct traffic entering or exiting the Courthouse driveway, Pacific Concourse Drive, or La Cienega Boulevard, as depicted on Exhibit A, as necessary. Said flagmen shall be at the Owner's sole cost and expense and shall be provided on an as-needed basis, upon prior written request by any Business Park Owner.

d. Pacific Concourse Drive

The Owner shall not permit the use of Pacific Concourse Drive by construction vehicles between the hours of 7:30 a.m. to 8:30 a.m. and 11:30 a.m. to 1:30 p.m., Monday through Friday (except holidays). Subject to the foregoing, construction vehicles may use Pacific Concourse between 7:00 a.m. and 6:00 p.m. Monday through Friday (except holidays), so long as at least one lane in each direction is maintained open and unobstructed at all times. If a lane must be blocked along Pacific Concourse Drive at any other time, the Owner shall provide not less than ten (10) business days' prior written notice to all Business Park Owners. The Owner shall use its best efforts to accommodate any reasonable request by any Business Park Owner to reschedule work so as to avoid disruptions—to any Business Park Owner's business operations. The lane(s) which may be closed from time to time hereunder are more particularly shown at Exhibit B attached hereto.

The Owner shall ensure and agrees that construction shall not interfere with emergency access to or within the Business Park at any time or in any way.

The Owner shall provide flagmen to direct traffic entering or exiting the Courthouse driveway, Pacific Concourse Drive, or La Cienega Boulevard, as depicted on Exhibit A, as necessary. Said

flagmen shall be at the Owner's sole cost and expense and shall be provided on an as-needed basis, upon prior written request by any Business Park Owner.

e. Dust Control and Support

The Owner will cause to be shored up, braced, underpinned, secured and protected as necessary all foundations, sewer lines, water lines, gas lines and other parts of existing structures or facilities that service said structures located adjacent to, adjoining or in the vicinity of the construction of improvements that may be in any way affected by the excavations or other operations connected with construction of the Project, including without limitation the public roads, rights of way and haul routes utilized by contractors.

The site shall be fenced to reduce wind-blown dust. Construction materials shall be covered. All storage soil and sand shall be covered. All debris shall be cleared up daily and put in a dumpster which shall be covered at the end of each day.

All clearing, grading and earth moving and excavation activities shall cease during periods of high winds (e.g. greater than 15 miles per hour).

Watering at the site to control dust shall be in accordance with SCAQMD Regulation 403.

Streets and driveways immediately adjacent to the site shall be swept at least once a day during excavation and grading and more frequently if needed to remove dust and silt which may accumulate from earth work activities.

Demolition and excavation operations shall be suspended during second stage smog alerts in the area. All materials used on-site shall be controlled in accordance with SCAQMD regulations.

Where soil conditions permit, rubber tired equipment shall be used.

The Owner shall take all reasonable measures requested by the Business Park Owners to remediate dirt, dust and debris which may soil the Business Park Owners' real and personal property or accumulate thereon, including without limitation window washing not more often than twice during the course of construction and the placement of plastic sheeting on window openings of the parking garages in order to minimize the accumulation of dust and dirt on the vehicles of the Business Park Owners and those of their employees, agents, representatives and invitees.

f. General

The Owner shall comply with all mitigation measures identified in the Mitigation Monitoring Program contained in the Final Environmental Impact Report for the Project (State Clearinghouse Number 2004011108).

Construction workers shall be required to park at designated off-site parking areas and shall walk or be transported to the construction site by vanpools. Construction workers may also park on-site or in the Project's parking structure when it is available to accommodate such parking. The Contractor shall implement procedures adequate to enforce this restriction.

All construction and development on the subject property shall comply with the applicable provisions of the Uniform Building Code and the various related mechanical, electrical, plumbing, fire, grading and excavation codes as currently adopted by the County of Los Angeles

The general contractor and its subcontractor will inspect construction equipment to ensure that such equipment is in proper operating condition and fitted with standard factory silencing features.

Alternative pile placement methods other than impact pile driving shall be used. The permittee shall provide adjacent property owners with a pile driving schedule 10 days in advance of such activities, and a three-day notice of any re-tapping activities that may occur. The permittee shall submit a copy of the schedule and mailing list to the Director and the County Department of Public Works prior to the initiation of construction activities.

Consolidate truck deliveries when possible

Use electricity from power poles rather than temporary diesel- or gasoline powered generators when possible.

The permittee shall demonstrate that all construction debris, to the maximum extent feasible as determined by the Director, will be salvaged and recycled in a practical, available, and accessible manner during the construction phase. Documentation of this recycling program shall be provided to the Director of Planning and the County of Los Angeles Public Works, prior to building permit issuance.

The operation of portable stereos shall be prohibited at the construction site.

The project shall comply with all procedures required by the Los Angeles County Code regarding groundwater.

The construction area will be secured when no construction activities are underway.

3. CONSTRUCTION COVENANTS

Insurance

The Owner shall add the Business Park Owners as additional insured on the construction policy insurance. The Owner shall provide evidence of contractor's liability insurance to the Business Park Owners prior to commencement of construction of the Project.

Indemnity

With the exception that this Plan shall in no event be construed to require indemnification by the Owner to a greater extent than permitted under the public policy of the State of California, the Owner shall indemnify and save harmless Diagnostic Products Corporation, Greenlaw Partners, and the County, its Special Districts and elected and appointed officials, including their respective officers, directors, agents, employees, affiliates, parents, subsidiaries, successors and assigns, and each of them (collectively referred to as "Indemnitees" and individually referred to

as "Indemnitee"), of and from any and all claims, demands, causes of action in law or in equity, damages, penalties, costs, expenses, judgments, losses or liabilities (hereinafter "Claims") that are directly related to or arising out of any acts or omissions in connection with the work on the Project by Owner or Owner's employees, contractors, agents, representatives, invitees, successors and assigns, and each of them. Without limitation, "damages" include personal injury or other damages of any kind including, without limitation, property damage, and loss of use.

It is expressly acknowledged and agreed that each of the foregoing indemnities is independent and that each shall be given effect except to the extent of any gross negligence or willful or intentional misconduct by any of the Indemnitees. Thus, the Owner's indemnity obligations herein are limited to Claims that result from its own acts, or omissions, but exclude Claims that result solely from the grossly negligent conduct of any of the Indemnitees.

SECOND AMENDMENT
TO DEVELOPMENT AGREEMENT
BY AND BETWEEN
COUNTY OF LOS ANGELES,
ECONOMIC DEVELOPMENT CORPORATION OF LOS ANGELES COUNTY /
DEL AIR TITLE HOLDING CORPORATION,
GRE PACIFIC LP
AND
DIAGNOSTIC PRODUCTS CORPORATION

THIS SECOND AMENDMENT TO DEVELOPMENT AGREEMENT is executed this ____ day of _____, 2005, by and between the COUNTY OF LOS ANGELES, a political subdivision of the State of California (the "County"), DEL AIRE TITLE HOLDING CORPORATION, a Delaware non-profit corporation and the ECONOMIC DEVELOPMENT CORPORATION OF LOS ANGELES COUNTY, a California non-profit organization (collectively "EDC"), GRE PACIFIC LP, a Delaware limited partnership ("Greenlaw"), and DIAGNOSTIC PRODUCTS CORPORATION, a California corporation ("Diagnostic Products"), pursuant to the authority of Sections 65864 through 65869.5 of the California Government Code.

I. RECITALS

A. The County, EDC and OMA Del Aire Properties, a California general partnership ("OMA"), entered into that certain Development Agreement dated February 12, 1988 (the "Development Agreement"), which was recorded on February 17, 1988 as Instrument Number 88-215139. The Development Agreement contemplated development of an approximately thirty (30) acre business park in the Southwestern portion of Los Angeles County, within the Del Aire neighborhood, as defined in Section 1.01 of the Development Agreement (the "Property").

B. The County, EDC, and OMA amended the Development Agreement to extend the term thereof, as set forth in the First Amendment to Development Agreement dated July 8, 1993 (the "First Amendment"), which was recorded on July 8, 1993 as Instrument Number 93-1310216.

C. OMA no longer owns any portion of the Property and has assigned all of its rights and responsibilities under the Development Agreement and the First Amendment to the current owners of the Property, which are the County, EDC, Greenlaw and Diagnostic Products (collectively, the "Parties").

D. EDC owns the "Phase IV Land," which is described in Exhibit "A" attached hereto and is proposed to be developed for residential uses. EDC owns no other interest in the Property besides the Phase IV Land.

E. As of the date of this Second Amendment To Development Agreement ("Second Amendment"), seven hundred and one thousand (701,000) square feet of business park

uses have been developed at the Property pursuant to the Development Agreement and the First Amendment.

F. The Parties now wish to cancel the Development Agreement to the extent it applies to the Phase IV Land. The Parties further wish to retain the right to develop an additional one hundred thousand (100,000) square feet of development within Parcels 1 and 2 of Parcel Map 18568, which are owned by Diagnostic Products, and to amend other portions of the Development Agreement as set forth herein.

G. The County has determined that a subsequent environmental review was appropriate to assess the environmental impacts of the proposed residential development and other revisions contained in the Second Amendment. Accordingly, a Supplemental Environmental Impact Report (State Clearinghouse Number 2004011108) has been adopted in conjunction with the approval of this Second Amendment.

H. In order to effectuate the foregoing, the Parties desire to enter into this Second Amendment.

I. As of the date of this Second Amendment, the Parties are in full compliance with the Development Agreement, including but not limited to the landscaping requirements in Section 4.03, the recreational facilities requirements in Section 4.05.08, and the light rail interface requirements in Section 4.05.09.

II. AGREEMENT AMENDMENTS

NOW, THEREFORE, the Parties hereto do hereby agree as follows:

1. Pursuant to Section 65868 of the California Government Code, the Development Agreement is hereby cancelled as to the Phase IV Land and no longer governs development of that portion of the Property.

2. Section 1.01 The Site is amended in its entirety to read:

"The Site for development of the Project is located in the Southwestern portion of Los Angeles County, within the Del Aire neighborhood, near the intersection of the San Diego (Interstate 405) Freeway and the Century (Interstate 105) Freeway. Specifically, the Site is bounded by the Century Freeway right-of-way to the North, La Cienega Boulevard and proposed residential uses to the East, Isis Avenue to the West, and to the South and Southwest by an existing single-family residential neighborhood (the "Del Aire Neighborhood") and a variety of local streets. The Site consists of approximately twenty-four (24) acres, the legal description for which is attached to the Second Amendment To Development Agreement as Exhibit "B" and incorporated herein by this reference."

3. Section 3.00 Lease of Site is deleted in its entirety.

4. Section 4.01 Scope of Development is amended in its entirety to read:

The project shall include commercial, courthouse, research and development uses and ancillary retail and public improvements developed on the Site. The Project will be built in multiple phases, beginning on the northwesterly quarter of the Site.

5. Section 4.03 Landscaping is amended in its entirety to read:

The landscaping plan and plans for Phase One and the Wall, which are attached hereto as Exhibits 7A and 7B, are incorporated herein by this reference. The landscaping is hereby approved by the County and Developer shall install landscaping on the Site in conformity with said plan.

The landscaping plan specifies approximate locations and sizes for pedestrian walkways, public plazas, rest areas, water amenities, ground cover, trees, shrubs, and other vegetation. The parties realize that the actual development may require changes to this landscaping plan, and County hereby consents to any changes to the landscaping plan which meet or exceed the landscaping plan. At least 2% of that portion of the Site devoted to surface parking shall be landscaped.

As relates to the Wall described in paragraph 4.09 below, the landscaping shall include ground cover, shrubbery and vines on the parkway side of the Wall and staggered groupings of trees located one tree for each 25 feet (on center) having an average 36-inch box size and a height of at least 14 feet. With respect to the Wall (see paragraph 4.05.05(c) below), the building masses shall be screened by staggered groupings of trees, separated by 25 feet (on center), specimen size, having minimum height of 20 feet.

The perimeter wall and street-side landscaping shall be completed as part of phase 1. Developer shall maintain in good condition all of the landscaping installed on the Site and along the Wall, at Developer's expense.

6. Section 4.05.01 Permitted Uses is amended in its entirety to read:

"The buildings constructed on the Property may be used for the following purposes:

- (a) Offices for business and professional services;
- (b) Restaurants and cafés, including cocktail lounges;
- (c) Banks and similar financial institutions;
- (d) Post offices;
- (e) Barber and beauty shops, confectionaries, travel agencies, dry cleaning agencies, stationers and other retail establishments directed for use primarily by persons working on the Site;
- (f) Medical, dental and optical facilities;
- (g) Food products dispensing machines;
- (h) Private clubs;

- (i) Hotels (provided, however, Developer shall obtain such zoning approvals as shall be required to permit hotel usage);
- (j) Electronics manufacturing, including without limitation the manufacture of:
 - (1) Electrical and related parts;
 - (2) Small electrical appliances;
 - (3) Electrical devices;
 - (4) Motors;
 - (5) Radios, televisions, and phonographs; and
 - (6) Printed circuits, including plating shops, etching, and photography
- (k) Instrument manufacturing, including without limitation the manufacture of the following instruments:
 - (1) Electronic;
 - (2) Medical; and
 - (3) Precision
- (l) Manufacturing and fabrication of small office and related machinery;
- (m) Research and development laboratories and facilities, including without limitation the following laboratories and facilities:
 - (1) Chemical
 - (2) Dental-Medical;
 - (3) Optical;
 - (4) Mechanical;
 - (5) Electrical;
 - (6) Electronic;
 - (7) Physical;
 - (8) Environmental tests, including vibration analysis and cryogenics; and
 - (9) Aerospace and defense
- (n) Research, development and manufacturing of aircraft or spacecraft and associated aerospace systems and components, including without limitations, the following uses which must be incidental to the research, development and manufacturing functions permitted in the existing ordinances for "MPD" zones.
- (o) Experimental laboratories, motion picture laboratories and testing laboratories;
- (p) Court buildings with appurtenant offices and facilities; and
- (q) Other uses commonly found in office, research, development and industrial business parks similar to the project."

7. Section 4.05.03 Maximum Floor Area is amended in its entirety to read:

"Maximum floor area of the Project shall not exceed eight hundred one thousand (801,000) square feet of "floor area," defined in Existing Ordinances."

8. Section 4.05.04 Maximum Floor Area Ratio is amended in its entirety to read:

"As specified in paragraph 4.13.03, the Site is subdivided into seven (7) separate parcels. The Floor Area Ratio (FAR) for each parcel shall not exceed 4.5:1, and the average FAR for the entire Site shall not exceed 1.2:1."

9. Section 4.05.08 Recreational Facilities is amended in its entirety to read:

"Developer shall provide for outdoor picnic and other passive recreational uses (including area for card playing, checkers, chess playing, etc.) in all phases of the Project."

10. Section 4.07 Day Care Center is deleted in its entirety.

11. Section 4.10 Signage is amended in its entirety to read:

"Developer shall install up to two (2) monument signs at the intersection of Pacific Concourse Drive and La Cienega Boulevard and at each of the other entrances to the Site, up to two (2) monument signs on each of the parcels created pursuant to Parcel Map 18568 and up to two (2) wall signs at the top of each building constructed on the Site, such wall signs to be designed as an integral part of the architecture. Logos are preferred but names are permitted. All other signage shall conform to Existing Ordinances."

12. Section 11.00 Notices is amended in its entirety to read:

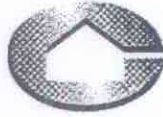
"To County:
Chief Administrative Officer
County of Los Angeles
Hall of Administration
500 Temple Street, Room 713
Los Angeles, California 90012

To Diagnostic Products Corporation:
5210 Pacific Concourse Drive
Los Angeles, CA 90045
Attention: Chris Goss

To GRE Pacific LP:
c/o Greenlaw Partners, LLC
4425 Jamboree Road, Suite 280
Newport Beach, CA 92660
Attention: Wilbur Smith"

13. Exhibit 1 to the Development Agreement, the legal description of the Site, is replaced with Exhibit "B" hereto and incorporated herein by this reference.

14. Except as specifically amended herein, the terms of the Development Agreement shall remain in full force and effect.



CENTURY HOUSING
A NONPROFIT CORPORATION

1000 CORPORATE POINTE, SUITE 200 CULVER CITY, CALIFORNIA 90230
PHONE 310 . 258 . 0700 FAX 310 . 258 . 0701

April 6, 2005

Lawrence Hafetz, Esq.
Office of the County Counsel
652 Kenneth Hahn Hall of Administration
500 W. Temple Street
Los Angeles, CA 90012

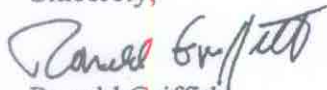
Dear Mr. Hafetz,

As we discussed, I am General Counsel for Century Housing, a nonprofit corporation providing affordable housing in greater metropolitan Los Angeles. Century Housing is the entity charged with implementing the operative provisions of the Consent Decree that settled the litigation over the Century Freeway. The parties entered into an initial Consent Decree in 1979 to settle the claims arising from a 1972 case, Keith v. Volpe. The Consent Decree has been amended several times since then; the current operative Consent Decree, which has been transmitted to your office, was amended in April 1997.

I understand that some community members have stated that the Consent Decree forbids residential housing development within the Pacific Concourse Business Park. The Consent Decree contains no prohibitions on residential development. More specifically, based on the facts we have received regarding the proposed residential project at the Business Park, Century Housing does not believe that the Consent Decree prohibits the proposed project.

Please feel free to contact me with any further questions.

Sincerely,


Ronald Griffith

c: Estela de Llanos, Esq.